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THE CRIME OF AGGRESSION AND THE FUTURE OF INTERNATIONAL LAW *

IT would be unnatural if so dramatic and epochal an event as the trial of the major German and Japanese war criminals had not elicited sharply divergent views on the wisdom of the policy and on the soundness of the law. The fact which confronts us today is that the trials have been held, although in Japan they have not yet been completed. The problem which confronts us today is only very secondarily that of historical judgment; primarily the problem is to find the ways in which the precedent can be turned to its greatest use in promoting the future peace and welfare of mankind. If the foundation on which we are to build is weak, it can be strengthened before a new structure is erected upon it. One way to strengthen the foundation was suggested by Judge Biddle in his report to the President on the Nuremberg Trials, when he urged that the Charter of the Tribunal, which was promulgated with the approval of nineteen United Nations, be now approved for the future by formal act of all fifty-four members of the United Nations.

The General Assembly of the United Nations acted upon this suggestion by adopting a resolution prepared by its Legal Committee instructing the Codification Committee to study the subject and report back to the Assembly. But the resolution also contained the following affirmation of the principles contained in the Nuremberg Charter:

* This article was prepared as a paper read before a meeting of the American Historical Association in New York, December 30, 1946.

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> The General Assembly recognizes the obligation laid upon it by Article 13, paragraph 1, sub-paragraph *a* of the Charter, to initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification;
>
> Takes note of the agreement for the establishment of an International Military Tribunal for the prosecution and punishment of the major war criminals of the European Axis, signed in London on 8 August 1945, and of the Charter annexed thereto, and of the fact that similar principles have been adopted in the Charter of the International Military Tribunal for the trial of the major war criminals in the Far East, proclaimed at Tokyo on 19 January 1946 ;
>
> Therefore,
>
> Affirms the principles of international law recognized by the Charter of the Nürnberg Tribunal and the judgment of the Tribunal;
>
> Directs the Committee on the codification of international law established by the resolution of the General Assembly of . . . December 1946, to treat as a matter of primary importance plans for the formulation, in the text of a general codification of offences against the peace and security of mankind, or of an International Criminal Code, of the principles recognized in the Charter of the Nürnberg Tribunal and in the judgment of the Tribunal.[1]

Although this affirmation does not have the binding force of a treaty, its political, and probably its legal, force is as great as if it were already embodied in treaty form. Fifty-four states of the world are now on record as approving for the future the principles on which the major war criminals were tried.

The General Assembly also adopted a resolution on genocide, a term which has acquired wide currency since it was coined by Dr. Raphael Lemkin and described in his book *Axis Rule in Occupied Europe* published by the Carnegie Endowment for International Peace in 1944. Lemkin defined the term as meaning "the destruction of a nation or of an ethnic group", a

[1] *Journal of the United Nations*, No. 58, Supp. A—A/P. V./55, p. 485.

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definition which may not suffice for an international penal code. It is significant that the General Assembly referred the elaboration of a convention on this subject to the Economic and Social Council possibly for study by its Commission on Human Rights: the implicit suggestion that the violation of the fundamental rights of man under an International Bill of Rights may also be made an international crime involves rather startling possibilities.

The resolution adopted by the General Assembly was as follows:

> Genocide is a denial of the right of existence of entire human groups, as homicide is a denial of the right to live of individual human beings; such denial of the right of existence shocks the conscience of mankind, results in great losses to humanity in the form of cultural and other contributions represented by these human groups, and is contrary to moral law and to the spirit and aims of the United Nations.
>
> Many instances of such crimes of genocide have occurred when racial, religious, political and other groups have been destroyed, entirely or in part.
>
> The punishment of the crime of genocide is a matter of international concern.
>
> The General Assembly therefore
>
> Affirms that genocide is a crime under international law which the civilized world condemns, and for the commission of which principals and accomplices—whether private individuals, public officials or statesmen, and whether the crime is committed on religious, racial, political or any other grounds —are punishable;
>
> Invites the Member States to enact necessary legislation for the prevention and punishment of this crime;
>
> Recommends that international co-operation be organized between States with a view to facilitating the speedy prevention and punishment of the crime of genocide; and, to this end,
>
> Requests the Economic and Social Council to undertake the necessary studies, with a view to drawing up a draft convention on the crime of genocide to be submitted to the next regular session of the General Assembly.[2]

[2] *Journal of the United Nations, loc. cit.*, p. 476.

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The two aspects of the precedent afforded by the trial of the war criminals which are most important for the future are, first, the control of war by law and, second, the application of international law to the individual. To appraise the importance of those aspects it is necessary to recall the situation which has existed and which may now be improved. The attempt to develop an international criminal law which will serve as a deterrent to war through the imposition of punishment upon individuals has been discussed often before in academic hall and printed page. It has also been ably argued in international committees. This is the first moment in history when action upon such proposals is not only politically possible but necessary. It is "necessary" because the precedent will not stand still. If we do not strengthen it and move it forward, it will slide backward. Inaction by the whole society of nations from now on would constitute a repudiation of the precedent with the consequence that the last state of the world would be worse than the first. It would constitute an assertion that aggressive war is *not* a crime and that the individual who is guilty of endangering the international public repose is *not* to be treated as a criminal.

What, then, under the traditional law and practice of nations were the deterrents to the use of force?

First, in regard to states and their governments viewed as collective entities devoid of individual human personality, there was a somewhat feeble deterrent in the existence of the "law-habit" in international relations. By and large, man is habituated to law in all his relations, and the existence of rules as guides for behavior is a universal convenience. It is a convenience internationally for the strong in dealing with the strong, and for the weak in dealing with the strong; when the strong deal with the weak it is sometimes considered a nuisance. It is not necessary to argue the strengths and weaknesses of international law in the traditional international system save to point out that for some three centuries foreign offices have had staffs of legal advisers and have habitually sought to defend their actions on legal grounds.

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The second deterrent was the fear of counter-action by the state affected, which might resort to retaliation or reprisals or to war itself.

The third deterrent was the fear of joint counter-action by a group of states whether they were united in an alliance or more highly organized in the League of Nations. Sanctions and the Stimson nonrecognition doctrine were among the emerging instruments of such joint action in the inter-war period.

All these three deterrents were ineffective when the wrongdoer was strong. They were ineffective for at least four reasons:

1. The state was judge in its own cause and the international system had evolved no satisfactory substitute for war; the problem of " peaceful change " was never solved.

2. War itself was not illegal though some lesser uses of force were considered illegal and the manner of waging war was brought under legal regulation.

3. The individual government official, civil or military, was merged in the anthropomorphic fiction of the state and was protected by the concept that it was the state and not the individual who acted.

4. There was no adequate international organization to judge causes and to marshal collective action against a wrongdoer.

In regard to an individual contemplating action disruptive of the international public peace, the deterrents were merely the possibility of punitive action by his own state as in the case of counterfeiting foreign currencies, the traffic in narcotics and the slave trade, or action by some other state if he were apprehended at the foreign scene of his crime or extradited to that place.

The defects in these deterrents were the legal limitations on jurisdiction to punish, laxness and corruption in the law administration of some states, and actual connivance or encouragement and protection when the act was performed in pursuance of some national policy. Extradition was limited by the practically universal exception of political crimes and by the refusal of many states to extradite their own citizens. International law was considered to be inapplicable to the individual and he could be punished only when he broke some national law.

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The trial of the war criminals involved the rejection of the theory that the state itself is guilty and can be punished for waging aggressive war. Reparations payments are being considered more like compensatory damages in a civil suit than like fines in a criminal action. Collective punishment of a group for the offense of a member of the group is by no means unknown to certain legal systems, but the punishment of a whole state and people like Germany and the Germans is both difficult and obnoxious to many people's sense of justice. Whereas the traditional international system put the burden on the state to restrain the individual, the precedent of the trial of the war criminals suggests that pressure in the form of fear of punishment should be put upon individuals to restrain the state. It should be anticipated that as international organization—in the form of the evolving United Nations or in the ultimate form of world government—is perfected, collective force will be used to restrain states or other groups of individuals in advance but that punishment after the event will be visited upon individuals and not upon the group.

So far as influence upon the fictional collective minds of governments is concerned, deterrents must be sought in the development of the procedures of the international society rather than in the elaboration of new substantive law. This is not to say that international law should ignore the problem of illegal war; much needs to be done to remove the traditional legal theory that belligerents acquire special rights against all the rest of the world by assuming the belligerent status which automatically imposes upon strangers to the struggle the duties of neutrality. It is also absolutely essential to develop law and procedures for peaceful change. Peace will never be secure if we merely put an international lid on a national boiling pot. When there is a strong national feeling of injustice, resentment will eventually produce conflict unless there is some assurance that there is a peaceful substitute for resort to violence. The truth of this proposition is demonstrated by our own experience with labor relations.

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In the development of international law applicable to the individual and designed to act as a deterrent to acts which will disturb the peace and comfort of the world, both procedural and substantive progress must be achieved.

On the substantive side there are numerous experiences on which to build, including notably the conference convened under League of Nations auspices to study the international suppression and punishment of terroristic crimes. This effort was the result of the assassination of King Alexander of Yugoslavia in Marseilles in 1934. It led to the drafting of two conventions dealing with such crimes and with the trial of their perpetrators before an international criminal court, but the conventions were never brought into force.[3] This experience although then fruitless should be utilized along with comparable approaches to the punishment of offenses which have an international interest, including piracy, the slave traffic, traffic in narcotics, counterfeiting, and traffic in arms and fissionable materials. The first step, after securing formal general approval of the Charter of the Nuremberg court, is to secure agreement, based on the Nuremberg precedent, that such individual acts should be recognized as international crimes as contemplated in the General Assembly's resolution on genocide. Thus the list of crimes set forth in the Charter of the Nuremberg Tribunal would be expanded. Perhaps in all the examples mentioned it would not be difficult to secure agreement in principle.

When one comes to dealing with plotting against the government of a state, the answer is much more difficult. There are many who would not wish today to enter into an obligation to assist in punishing Spaniards or non-Spaniards who seek to bring about the overthrow of the Franco government in Spain. The subject involves the delicate question of the extent to which the international community can usefully interfere in revolutionary strife and civil wars within states. At the present time such interference could not be based on adequate facilities for forming a wise world judgment on the rights and wrongs of

[3] See League of Nations Doc. 1938. V. 2. and 1938. V. 3., and Manley O. Hudson, *International Tribunals: Past and Future* (Washington, 1944), p. 185.

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such internal conflict, but the ramifications of the subject are too broad to be covered here. The example merely illustrates the point that even the definition of international crimes is by no means a simple task.

Progress will be made if one begins with the least controversial cases. Among these cases one might, in the light of the trials of the war criminals, include the crime of conspiring to wage aggressive war, but a dilemma appears upon the legal horizon. It is one thing to punish the perpetrators of war after they have waged and lost the war; it is quite another thing to indict them and bring them to trial before war breaks out. If the Soviet government charges Churchill with planning or inciting a war against the Soviet Union, who decides whether the defendant shall be indicted and tried? Is it to be decided by the Security Council and in that case could Great Britain exercise its veto? Who anticipates that we shall soon have an International High Prosecutor with authority to decide such a question?

Taking a less controversial or less fantastic case, let us suppose that in twenty years a resurgent Japanese government plans revengeful blitzkrieg with still newer and more terrible weapons. Suppose the secret services of one or more Powers are satisfied that the plot is well advanced. It is certainly clear that one cannot apply the analogy of the policeman who arrests the individual gangster. Although we have agreed that the individuals are criminally liable, the preventive steps would have to be taken against Japan as such; and this would require the international solidarity and perfection of international procedures which were so lamentably lacking when Japan attacked China or when Mussolini attacked Ethiopia.

There are other procedural difficulties. If there be another incident like those at Sarajevo and Janina, is there to be an international secret police which will at once make an investigation on the spot to determine who is guilty? Would such international police officials have authority to arrest suspects and to take them away to the seat of an international criminal court for trial? If the murderers had escaped to the United States and were found here, our laws would need to be changed

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to enable a court to deny their application for a writ of habeas corpus.

Such difficulties are mentioned, not in despair, but as indicative of the fact that the development of an effective system of criminal law administration cannot be achieved overnight. Lawyers will work on drafts and laymen will evince their usual —and frequently proper—irritation over the law's delays. The task needs, however, to be undertaken and to be undertaken promptly. A relatively simple first step might be to implement the already highly successful procedures for the control of the narcotics traffic [4] by the creation of an international tribunal before which offenders could be tried. At the present time, the enforcement of the law is left to the national states and it is the states which are required to enact statutes to make the acts covered by the international treaties criminal and therefore punishable in their courts. The General Assembly's resolution on genocide follows this pattern. If, following the precedent of the war crimes, violations of the convention were agreed to be international crimes and if an international jurisdiction were established, a further precedent would be set. Opposition might be expected from those who point with pride to the degree of success achieved in this particular field under the existing system. Such opposition might be met by allowing the states a reasonable period of time within which to bring an offender to trial. Upon the expiration of that time, rendition to the international court might be mandatory.

To sum up: the control of war is the supreme problem which human society must solve. Law is needed here, as in other human activities, for the definition and punishment of illegal conduct. But law alone is not enough. It will not operate in a sovereign vacuum. The causes of international conflict must also be met at the source. On the legal side two great advances have been registered by the trial of war criminals and the reaffirmation of the principles on which they were tried. First,

[4] See Bertil A. Renborg, *International Drug Control*, Carnegie Endowment for International Peace, Experience in International Administration, Preliminary Materials and Monographs, No. 3 (1943).

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the states of the world have relinquished their historic freedom to wage war for the vindication of what they unilaterally assert are their rights. It must not be forgotten that the restrictions on the use of force which the Charter of the United Nations imposes constitute an important milestone in this general progress despite the procedural defects of the United Nations system. Second, international law has been brought home to the individual. The individual can no longer hide behind the legal screens of sovereignty, acts of state, and superior command.

Whether or not one has agreed with the bases of the trials of the major war criminals, the obligation of jurists, of historians, and of all scholars and citizens is to look forward, not back. Bulwer declared it to be "Earth's law: the conquered are the wrong." The future law must be: "The wrong shall be conquered."

PHILIP C. JESSUP

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THE ISSUES OF THE NUREMBERG TRIAL *

ONE may say without impertinence to historians that the judgment that history will render upon a legal proceeding is not usually a matter of acute concern either to counsel or to the court. In this respect, at least, the Nuremberg trial was a highly exceptional affair; for the perspective of most of the participants, and even that of the defendants, was focused very much on the future, distant and problematical as it is. The dominant mood was put in words by Justice Jackson, in opening the case for the prosecution: "We must never forget that the record on which we judge these defendants to-day is the record on which history will judge us to-morrow." [1]

The verdict of history will not be rendered for a long time, but we may be certain that the process of deliberation will be active and that the debate has already begun. The trial is extolled as a crucial achievement in the development of international law, a triumph of reason and justice in the bitter wake of the war. But voices have been raised from the beginning to proclaim the battle cry of the attack: novelty and confusion, error and pretense, a peril to essential liberties safeguarded by domestic law. What are the issues that challenge examination as this active critique unfolds? What are the factors to be weighed in the balance by those who will record for the judgment of posterity the history of our turbulent time?

I

It is a lawyer's habit, that I would not resist if I could, to begin with a statement of the case.

* This paper, with some omission of detail, was read at the Annual Meeting of the American Historical Association, December 30, 1946.

[1] See the mimeographed daily transcript in English (hereafter cited as Transcript), 21 November, 1945, p. 11.

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Credible information received in the course of the war reported cruelties and atrocities perpetrated by the Germans, especially in the occupied countries, that no conception of military necessity could sustain. Impotent to render physical assistance, the heads of state of the principal Allies responded with warnings, jointly and severally repeated, that the guilty would be apprehended and punished. The triumph of arms brought with it the physical custody of thousands of persons suspected of complicity in the conduct to which these warnings had been addressed. It brought the custody of the survivors among the principal enemy personalities believed, upon probable cause, to be responsible for the initiation of the war. Most of these persons had, indeed, made frantic efforts to surrender to the forces advancing from the west; and by far the largest number when the firing ceased were in American hands. Within Germany no governmental authority survived the unconditional surrender, save that which the Potsdam Powers themselves exercised by the military occupation. It took no great foresight in the last days to anticipate that these conditions would obtain. It was essential that a policy be formulated for dealing with the individuals in question when the fighting should finally come to an end.

The problem thus presented was answered by the principal Allies in the Agreement executed in London on August 8, 1945, to which nineteen other nations thereafter adhered. It is no secret that this protocol represented, in its major content, the proposals put forward by Justice Jackson on behalf of the United States. It provided for the creation of a Tribunal, deemed to exercise military powers and therefore entitled the "International Military Tribunal"; each of the four signatories was to designate one member and an alternate. The Tribunal was accorded jurisdiction "to try and punish persons who, acting in the interests of the European Axis countries," might be charged and convicted of any of the conduct which the Charter defined as a crime. The crimes thus defined were called "crimes against peace", "war crimes" and "crimes against humanity". Crimes against peace comprehended in substance

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the "planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties . . . or assurances" or conspiring so to do. War crimes comprehended generally "violations of the laws or customs of war" with some specification of the behavior, such as the murder or ill-treatment of prisoners of war, deemed to constitute such violations. The definition of crimes against humanity supplemented that of crimes of war—but the concept was accorded very little scope because of the requirement that the acts of inhumanity included be committed "in execution of or in connection with" some other crime within the jurisdiction of the Tribunal, that is, a crime against peace or a war crime.

For such conduct the Charter declared that "there shall be individual responsibility"; that "leaders, organizers, instigators and accomplices" conspiring to commit such offenses shall be mutually responsible for the actions perpetrated in the execution of their common plan; that official position shall be neither an excuse nor a mitigation; and that superior orders may be a mitigation if justice so requires, but not a defense.

In addition, the Charter provided that in the trial of any individual and in connection with any act of which he might be convicted, the Tribunal might declare that "the group or organization of which the individual was a member was a criminal organization." The point of such a declaration was that thereafter the members of the organization might be prosecuted for their membership in "national, military or occupation courts" of the signatories—in which event the Charter provided that "the criminal nature of the group or organization is considered proved and shall not be questioned."

These are the substantive provisions of the Charter and they are the only ones which give rise to any significant problems; for the procedural portion, designed to safeguard the rights of individual defendants and to protect the fairness of the trial, embodies, with small exceptions, the major lessons of civilization in relation to criminal procedure. Representing as they do a combination of the inquisitorial and the accusatorial systems, I put them aside with the assertion that, as implemented by the Nuremberg Tribunal, they include most of the salutary

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features of each. I wish, indeed, that the average impecunious defendant in an American court could count on assistance as extensive in the preparation and presentation of his defense.

The issues that are important are those presented by the Charter in its substantive aspects, as interpreted and applied by the Nuremberg Court. The Charter was, of course, binding upon the Tribunal in the same way that a constitutional statute would bind a domestic court. But the generalizations set forth in the Agreement demanded, as legislation always does, creative interpretation in its application to the challenging facts of a particular case.

On October 18, 1945, in a reconstruction of the chamber in Berlin where Nazi justice had its last major exhibition, the Tribunal constituted under the Charter held its first public session. Prosecutors representing the United States, the United Kingdom, the Soviet Union and France filed a joint indictment against Goering and twenty-three others, charging crimes against peace, war crimes and crimes against humanity, committed pursuant to a conspiracy alleged to be criminal in itself, in the sense that it had or grew to have these criminal ends. The indictment recited in great detail the particulars of the conduct which the defendants were charged with planning and carrying out: the long course of bellicose aggression, the acts of systematic inhumanity—of which simple murder was far from the worst—committed in the preparation and conduct of the war. It specified the alleged complicity of each of the defendants. In addition, it prayed for a declaration that six organizations, the Reich Cabinet, the Leadership Corps of the Nazi Party, the Gestapo (including the S.D.), the S.A., the S.S., and the General Staff and High Command, constituted "criminal organizations".

Twenty-two of the twenty-four individual defendants were brought to trial, one of them, Martin Bormann, *in absentia*. After a trial lasting the better part of a year, on a record exceeding 17,000 pages depicting horrors never before recorded in a court, Schacht, Von Papen and Fritsche were acquitted; the declaration of criminality was denied in the case of the Cabinet,

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the General Staff and the S.A., and granted, but in highly qualified and limiting terms, with respect to the Leadership Corps, the Gestapo and the S.S. Nineteen individuals were convicted, of whom eleven, including Bormann, were sentenced to death, the others to imprisonment for terms ranging from ten years to life. All of those sentenced to death were convicted of war crimes or crimes against humanity; all but four, Kaltenbrunner, Frank, Sauckel and Bormann, were also convicted of crimes against peace.

History will ask whether these men and these organizations were justly condemned or acquitted. The inquiry will involve many phases not all of which can be examined here. I shall attempt no more than to direct attention to the general issues.

II

Should the United States—and the question may be put with equal validity for each of the victors—have cast its influence against any punitive proceedings, declining to participate and refusing to surrender the persons of its prisoners to other countries clamoring to proceed? Such a course would have forsaken the pledges and the warnings issued as an instrument of war and would have responded with a blanket *nolumus* to the demand for retribution that rose like a plaintive chant from all the desolated lands. Certainly only the firmest conviction that punishment in this situation could serve no adequate temporal purpose would have sanctioned dismissal of the millions of complainants with the admonition that "vengeance belongs to God." In truth, the volume of accumulated passion sufficed in itself to establish such a temporal purpose—for who can doubt that indiscriminate violence, a blood bath beyond power of control, would have followed an announcement by the responsible governments that they were unwilling to proceed? If nothing else was to be accomplished, it was essential that some institutional mechanism be provided that would reserve the application of violence to the public force, to cases in which punishment might serve a constructive purpose and in which reason would conclude that it was deserved.

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It is not to be conceded, however, that this negative function, whatever its importance, is the only purpose that was to be served. The assumption of domestic society that punishment is a preventive weapon is not as irrelevant to international behavior as some persons seem disposed to affirm. In so far as the penalty eliminates a danger presented by the particular individual — hardly an objective of indifference to a military occupation—the function is no less plain in this situation than it is in municipal affairs. But the dominant justification of punishment, especially of the punishment of death, is usually felt to be the deterrence of others; and here it has been asserted that the justification must fail because victory carries immunity whether or not the victor was the aggressor and whatever the measures by which victory was attained.

The argument has a degree of validity but it does not prove enough to prevail. Treason, too, is punishable only when it is abortive; when "it prospers," as the old verse goes, "none dare call it treason"; it is the traitors who call the turn. With respect to war and the manner in which it is conducted, as with respect to treason, there are men who, valuing personal survival, will take account of the contingency of failure. It is to them that the threats are addressed. Moreover, the threat of punishment is not limited in the mode of its operation to the weight that it carries as a factor in decision at the climactic moment of choice. It also operates, and perhaps more significantly, at anterior stages in the patterns of conduct, the dark shadow of organized disapproval eliminating from the ambit of consideration alternatives that might otherwise present themselves in the final competition of choice. These considerations point to some deterrent efficacy; that, and not the assurance of prevention, is all that we can claim for punishment as an instrument of domestic law. It is deemed to be sufficient in municipal affairs, not because of a mathematical calculation of its efficiency, but rather because society, so desperately in need of instrumentalities of prevention, cannot dispense with such potency as condemnation and punishment have.

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III

If punishment cannot be dismissed as intrinsically ineffective in the situation with which we are dealing, we must consider whether it was in fact conditioned upon proper grounds.

Putting aside for the moment any special conception of legality, who will assert that the conditions of punishability prescribed by the London Charter are not accurately addressed to the evils incident to war that international society should seek to prevent? The greatest evil is, of course, the initiation of war itself. Once the evil of war has been precipitated, nothing remains but the fragile effort, embodied for the most part in the conventions, to limit the cruelty by which it is conducted. These are the two major branches of the Charter: crimes against peace and violations of the laws and customs of war. Of these two challenges to life and to all that makes life worth living, who will deny that the larger offense is the unjustified initiation of a war?

Goering, having admitted organizing the Nazi program of slave labor—a plain violation of the conventions and a traditional war crime—defended himself, in effect, by attacking the Hague Conventions as inapplicable to modern war.[2] It would be a mistake to suppose that his point is entirely without substance — though no conception of modern military necessity could have justified what the evidence showed. But is it not clear that the attention that would be accorded to a complaint of this order fails when it is remembered that the military necessity asserted was at best that of his own creation? One who viewed as the basic question for Germany—and I quote Hitler's words—" where the greatest possible conquest could be made at the lowest cost ",[3] had hardly the same position to justify extremes in the use of force as his victims might have, acting in an honest estimate of what was necessary in their own defense. But this is only to demonstrate that the Tribunal was right in declaring that the initiation of a war of aggression " is the supreme international crime ".[4]

[2] Transcript, p. 5982. [3] *Ibid.*, p. 16825. [4] *Ibid.*, p. 16819.

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There are, of course, problems, and difficult ones indeed, in the ultimate definition of aggression—at least under conditions of world organization as they have obtained in the last years. There may be difficult issues in defining the scope of national authority to act in what it conceives to be necessary self-defense —one of the points of our reservation on the Kellogg-Briand Pact. But those issues were not involved in Nuremberg—for not even Hitler, had he stood in the dock, could have asserted against the verified minutes of his own meetings that when he gave the marching orders against Poland he was acting in self-defense. Measured by the Nuremberg evidence the problem of the conditions of punishment did not inhere in the general character of the rules laid down in the London Charter, but rather in the extent of the liability of individuals that those rules undertook to prescribe.

IV

We cannot canvass all the problems of this order, but they can be illustrated by references to the case.

1. Article 6 (a) of the Charter defines as a crime against peace not only the preparation and initiation of a war of aggression but also the "waging" of such a war. Does this mean that, once it is established that the German war was, in fact, one of aggression, everyone who participated in waging it has committed an international crime? If so, every soldier who fought in the Wehrmacht in the field, everyone who participated in war production would, at the least, be brought within the rule. To be sure, the prosecution disclaimed any such sweeping contention, insisting, especially in the case of the military men, that it was for their part in fomenting and initiating the war and in the perpetration of war crimes that the charges against them had been filed. Common sense would, indeed, rebel at any conception of liability that failed to take adequate account of the actual choice open to particular individuals living within a national state or, to state the same point in a different way, of the compulsions to support a national policy that they may be wholly unable to influence or to change. The point would perhaps be best met if it were recognized that there are

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cases in which, so far as international sanctions are concerned, justice may require that superior orders be recognized as a complete defense. Whether such orders should constitute a defense or only a mitigation or neither would, in this view, depend on the actual freedom of choice open to individuals in the society of nations as it exists at the particular time. Since the Charter provision barred such orders as a defense in any case, the Tribunal was forced to deal with the issue in other terms. The conviction of Doenitz of waging a war of aggression, compared with the acquittal of Fritsche, who functioned as a propagandist during the war, suggests that the Tribunal, extremely sensitive to problems of this kind, actually drew the line in terms of the significance of the rôle played by the particular individual and the extent of his opportunity for ascertaining the underlying facts about the character of the war.

2. A similar problem is posed by the affirmation, under the Charter, of liability for conspiracy to wage aggressive war—both as a crime in itself and as a basis of responsibility for substantive offenses committed pursuant to the common plan.

It was, in effect, the submission of the prosecution that the Nazi leaders and their associates were engaged from the start in the furtherance of a program having for its specific objective the attainment of large territorial gains at least in Europe; that from the beginning they were committed to the attainment of those ends by any necessary means—including aggressive wars; that the development of the Nazi Party, the seizure of power, the suppression of free labor, the attack on the Church, the regimentation of youth, the persecution of the Jews and other minorities, the reorganization of the state, rearmament, reoccupation of the Rhineland, Austria, Czechoslovakia and ultimately Poland, and the general war were all contemplated steps in the unfolding of the conspiratorial plan; that after the war began, the plan developed to embrace, as systematic objectives, deportation, pillage and extermination in general disregard of the laws of war; and, finally, that these objectives were so widely publicized and otherwise generally understood that anyone who occupied an important position in party or government or otherwise rendered significant aid to the Nazi cause would necessarily be guilty of criminal participation.

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This position, however valid it might be as to Hitler or Goering or even others, was rejected by the Tribunal in so far as it swept everyone into the net. For conspiracy to be criminal under the Charter, "it must not be too far removed from the time of decision and action"; the Tribunal must find evidence of a specific "concrete plan" and "determine the participants in that concrete plan".[5] Everyone who supports a political program is not to be labeled a criminal conspirator merely because, in the perspective of history, the program seems a coherent unity leading to criminal ends. It is for this reason that eleven of the defendants were acquitted on the charge of conspiracy, leading to the total acquittal of Fritsche, Von Papen and Schacht. Shocking it was to give support to Hitler's régime, and repulsive to men of our persuasion, but measured, as it should be, by the standards we would apply to ourselves, more was required to establish complicity in the criminal conspiracy alleged.

It was not enough that Von Papen supported the Nazi accession to power, that he aided the Austrian venture (which, being before Munich, was not charged as an aggressive war) or that he served during the war at Ankara—for it was not shown that he was privy to any of the planning that launched the series of aggressive wars. Schacht was in charge of rearmament until 1937, of the Reichsbank until 1939, and not finally dismissed from the government until 1943 — but a majority of the Tribunal was not satisfied that he was privy to the specific purpose of utilizing those armaments for aggressive war. These conclusions involved, of course, the inferences to be drawn from the evidence, and anyone who knows the record will attest the vitality in the judgment of the Tribunal of the principle of reasonable doubt. The point would be indicated less controversially by suggesting a clear case: a welfare officer who concluded that social service was a good even in a Nazi environment, and who did not delude himself as to what Hitler was about, could not have been convicted of criminal participation merely by proving that welfare services contributed to the maintenance of the Nazi hold.

[5] Transcript, p. 16882.

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The necessity of such limiting principles is particularly apparent when a charge of criminality pierces the insulation of the national state and the defendants rely heavily on national patriotism to justify their participation in government affairs. It is apparent also for another reason. If liability were asserted in such broad terms that practically everyone within the offending state would sense himself as subject to it, once the die were cast by the initiation of war, the sanctions of the laws of war would have no field of operation. There would, in short, be no incentive for anyone within the country to mitigate the rigors of the conflict or, indeed, to help bring it to an end.

3. Points such as these apply with special force to the charges leveled against the six organizations. The extraordinary provisions of the Charter on which these charges were based were formulated in the view that it would be practically impossible to enforce responsibility under generally accepted theories of accessorial liability if it were necessary to repeat in every individual case the necessarily elaborate proof of the criminal character of particular organizations and groups. It was concluded, accordingly, that a procedure should be employed to permit the issue of the culpability of organizations to be determined in a single trial in which their leaders would be individual defendants, reserving to particular members the opportunity, should they be prosecuted for their membership, of adducing any evidence that might free them from personal culpability despite their membership in the criminal group. The justification for the device was that it could work no essential injustice since, on the assumptions made, if the evidence in the major trial had been repeated in any of the individual proceedings, the state of the evidence would be such that the defendant would, in any event, be put to his proof.

However plausible in conception, this aspect of the Nuremberg proceeding proved to be a doubtful element. Two million persons at least were included within the scope of the charges and, as the organizations were defined by the indictment, there were inescapable ambiguities in the measure of their actual scope. More than this, the underlying theory faced procedural difficulties of major moment as thousands of members of the

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challenged organizations offered to testify that they were unaware of the criminal purposes alleged and innocent of any criminal acts. Was the Tribunal to try the issues thus presented, and could it undertake to do so without protracting the main proceeding to wholly impossible lengths?

The problem was resolved, in substance, by the criteria employed by the Tribunal to determine criminality.[6] In the first place, it was held to be essential that the organization charged have actual existence as a group entity, so that individuals when they became members understood that they were identifying themselves with a collective purpose. In the second place, it was required that criminal objectives be shown to be the pervasive purpose of the group as a whole and not merely the secret intentions of its leaders or of some isolated portion of the whole. In the third place, in estimating the criminality of group objectives, the Tribunal employed the same limiting conceptions that were addressed to the conspiracy charge as a whole.[7]

The consequence was not only denial of the declaration of criminality as to three of the accused organizations but rigorous limitations of the declarations made with respect to the Gestapo, the S.S. and the Leadership Corps. Some categories of membership were excluded entirely, notably those which terminated prior to 1939. Even more significantly, the membership to be included was re-defined in the declaration to comprise only those persons who became or remained members voluntarily with knowledge of the criminal objectives, or who themselves participated in the formulation or execution of criminal plans. In the final result, therefore, the declaration of criminality is all but deprived of significance, for in any subsequent proceeding against individual members it will be necessary for the prosecution to establish guilty knowledge or participation; and the proof that will suffice for this purpose would, under ordinary circumstances, suffice to make out an individual case. And this, I submit, is as it should be, for in actual fact, in the present state of knowledge in Germany, there

[6] See Transcript, pp. 16929-16931. [7] See pp. 20-21, *supra*.

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is little excuse for prosecuting anyone if the evidence will not establish an individual case. The denazification program applies, of course, to all Germans and is more than sufficient for other situations — but its justification inheres less in punitive considerations than in the simple premise that the Nazis are least eligible to participate in the reconstruction of Germany and most eligible to perform the disagreeable labor involved in cleaning up the debris of the war. Indeed, the Tribunal recommended, in terms that the Control Council will undoubtedly accept, that anyone convicted only of membership in an organization declared criminal should, in any event, be treated no more severely than the denazification law would allow.

I have said enough, I trust, to indicate the type of problem involved in the application of the Charter that seems to me to warrant the closest attention as the process of historical inquiry proceeds. Issues of this kind are inherent in any effort to apply international sanctions to individuals; they find their parallel within the nations in the surprisingly universal conceptions of culpability embodied in municipal penal law.

V

It will be said that I have spoken of the Nuremberg trial in terms that ignore the entire controversy and, in a genuine sense, my critic will be right. I have not addressed myself to whether a tribunal of the victors could be impartial, to whether the law of the Charter is *ex post facto* or whether it is "law" at all. These are, indeed, the issues that are currently mooted. But there are elements in the debate that should lead us to be suspicious of the issues as they are drawn in these terms. For, most of those who mount the attack on one or another of these contentions hasten to assure us that their plea is not one of immunity for the defendants; they argue only that they should have been disposed of politically, that is, dispatched out of hand. This is a curious position indeed. A punitive enterprise launched on the basis of general rules, administered in an adversary proceeding under a separation of prosecutive and adjudicative powers is, in the name of law and justice, asserted to be less desirable than an *ex parte* execution list or a drumhead

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court-martial constituted in the immediate aftermath of the war. I state my view reservedly when I say that history will accept no conception of law, politics or justice that supports a submission in these terms. Those who choose to do so may view the Nuremberg proceeding as "political" rather than "legal"—a program calling for the judicial application of principles of liability politically defined. They cannot view it as less civilized an institution than a program of organized violence against prisoners, whether directed from the respective capitals or by military commanders in the field.

I will go further, however, and assert that history would have granted short shrift to a program of summary execution, for such a program is intrinsically unreasonable and could not have been carried out without mistake. Moreover, despite the controversy as to whether the Geneva Convention survives unconditional surrender, when no army remains in the field, I cannot conceive for myself that such a program comports with the Convention's demands. If the execution of prisoners without trial is a war crime while hostilities are in progress, I do not see why it is in any better position when hostilities have come to an end. In my view, Justice Jackson was wrong in arguing that the defendants could point to no other law than the London Charter to assure them any hearing at all.[8] They could point to the Geneva Convention. But the substance of his argument was right. Those who relied upon a treaty for their protection could not argue that treaties were without significance as a basis of liability, if their punishment was otherwise just.

No one who examines the record and the judgment, as most of the commentators have not, will question the disinterestedness of the Tribunal; and those who argue that disinterestedness is inherently impossible in this situation may ask themselves why nations that can produce such impartial critics should be intrinsically incapable of producing equally impartial judges. The fact is that the judgment of the Tribunal was mainly a judgment of limitation, its principal operation more signifi-

[8] See especially Transcript, p. 14332, also Transcript, 21 November, 1945, pp. 12, 36.

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cantly that of protecting innocence than that of declaring and punishing guilt. When I speak of "innocence" I mean not only a technical freedom from responsibility under the rules laid down; I mean, more deeply, the exculpation of those who could not justly be declared to be guilty under rules of liability that we would be prepared to apply to ourselves.

No one who is satisfied that the conditions of punishment laid down by the Charter and the Tribunal are essentially just and constructive, in the terms I have previously advanced, will in the end deny them his endorsement on the ground that they are retroactively defined. There is, indeed, too large a disposition among the defenders of Nuremberg to look for stray tags of international pronouncements and reason therefrom that the law of Nuremberg was previously fully laid down. If the Kellogg-Briand Pact or a general conception of international obligation sufficed to authorize England, and would have authorized us, to declare war on Germany in defense of Poland —and in this enterprise to kill countless thousands of German soldiers and civilians—can it be possible that it failed to authorize punitive action against individual Germans judicially determined to be responsible for the Polish attack? To be sure, we would demand a more explicit authorization for punishment in domestic law, for we have adopted for the protection of individuals a prophylactic principle absolutely forbidding retroactivity that we can afford to carry to that extreme. International society, being less stable, can afford less luxury. We admit that in other respects. Why should we deny it here?

VI

There is, however, one point in the current debate that we cannot summarily dismiss. It is the point that the punitive enterprise we have undertaken applies only to the enemy. My concern on this score is not with the contention that sanctions must for this reason be ineffective, a point that I have previously met. Nor is it with the argument that we have established a precedent that some future victor may invoke against us. If we are guilty of aggression we shall merit its invocation; if we are not, we can ask for no more—not alone

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for ourselves but for our cause—than the opportunity to establish our innocence that the Nuremberg defendants received. My concern is with the point of equality itself, so important an element of justice—equality in the sense that the sanctions do not apply either to our allies or to ourselves. The Russians cannot be put to their defense in relation to Finland or to Poland. We are obliged to present to no Tribunal the considerations we would advance to justify the manner in which we exhibited to Japan the power of the atom bomb. This is a genuine difficulty—to which the Tribunal indicated its sensitivity in various ways, such as refusing to assess a penalty against Doenitz for submarine violations that did not differ significantly from our own practice in the Pacific, as attested by Admiral Nimitz. To be sure, the depravity of our enemies and the fact that theirs was the aggression accord us such large leeway in this connection that our relative moral position is secure. But this is a mitigation rather than a defense to the inequality that Nuremberg involves.

I do not think that the difficulty argues that we should have abstained from the Nuremberg venture and accorded immunity to the guilty defendants, the only terms on which abstinence would have been real. It argues rather that Nuremberg, far more than San Francisco, was the assumption of an irrevocable obligation—to build a world of just law that shall apply to all, with institutions strong enough to carry it into effect. It is, moreover, as Justice Jackson has so properly reiterated, an obligation assumed as well by those of our allies who participated in the trial or gave it their sanction by adhering to the Charter. If we succeed in that great venture—and no nation can succeed alone—Nuremberg will stand as a cornerstone in the house of peace. If we fail, we shall hear from the German ruins an attack on the Nuremberg judgment as the second "diktat" of Versailles; and, notwithstanding the goodness of our intentions, we may have no sufficient answer.

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THE RESISTANCE AND THE POLITICAL PARTIES OF WESTERN EUROPE

As the Allied armies overran Europe in 1944 and 1945 the groups of the anti-Nazi resistance, country by country, came to the surface with organizations more or less intact, and in some cases armed. They were the active victors in the underground war against the Nazis. Their sacrifices and casualties gave them the "moral right" to make political claims. Their resistance organizations gave them trained political (and military) cadres capable of undertaking swift campaigns of recruitment. Consequently the political composition of the resistance greatly influenced the relative strength of the post-war parties, especially in the early period.

Although this influence was apparent in most European countries, special factors growing out of national characteristics and occupation policy rendered its impact in the contemporary party system quite uneven. This particular study will be confined to western Europe and particularly to France, Germany, Italy, Greece,[1] Belgium and Norway. France is of special interest because the resistance movements passed gradually and peacefully into the liberation period without the intervention of an occupation. Germany is of interest because of the quite different ways in which "Eastern" and "Western" policies manipulated the potentialities presented by the resistance in their occupation zones. Italy presents the case of an enemy country in which intervention of occupation policy was on the whole more moderate. Greece represents the only case in the Western orbit where the degree and form of intervention are comparable to developments in the Russian sphere. Belgium and Norway are examples of the influence of the resistance on the political parties of more stable democracies.

[1] Greece, while not in western Europe, is in the Western orbit.

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France

The French resistance, like the European resistance as a whole, took on large proportions only in late 1942.[2] The intensification of the Nazi "slave labor" campaign at that time aroused strong resentment among the general population and provided an atmosphere more favorable to militant resistance. The Maquis in large part recruited their fighters from among Frenchmen who had evaded the forced labor program. Equal in importance was the turn in the fortunes of war in the fall and winter of 1942. Thus the French in late 1942 and early 1943 had the strongest incentives to resist and great hopes that the risks and sacrifices of resistance would bear ultimate dividends.

Prior to this turning point the resistance was on a small scale, and largely took the form of occasional group meetings and the publication of clandestine papers. It was primarily a propaganda resistance. Among the earliest units formed in the southern (Vichy) zone was *Liberté*. This was a group of left-wing Catholic workers and intellectuals, and socialists established at the end of 1940. They published a clandestine journal called *Liberté*, and were led by Francois de Menthon, President of the Catholic Association of French Youth. This group joined in 1941 with another resistance movement under the direction of Henri Frenay which had published an underground newspaper called *Vérités*. Out of these two groups was formed the resistance group *Combat*, which operated in the southern zone until 1943 when colonial groups were formed in North Africa. René Capitant, a Radical Socialist, led the North African wing of *Combat*. Captain Frenay worked in liaison with former members of the French Secret Service who gathered information on German movements and activities, and planned the organization of a secret army. They were later actively involved in the formation of Maquis groups in southern France.

[2] For the history of the French resistance see Lucie Aubrac, *La Résistance: Naissance et Organisation* (Paris, 1945); Guillam de Bénonville, *Le Sacrifice du Matin* (Paris, 1946); French Press and Information Service, *La Résistance et la renaissance française* (New York, 1944); French Ministry of Information, *Aperçu général sur les mouvements de la résistance* (Paris, 1945).

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Libération-Sud was first formed on a small scale in October 1940 under the leadership of Emmanuel d'Astier de la Vigerie,[3] a left-inclined journalist who came of a prominent conservative military family. Its activity increased after July 1941 when the first issue of *Libération* was published at Clermont. It very soon attained a circulation of 10,000 copies. The Socialist leader André Philip participated in the editing of this journal. The movement was made up primarily of a large number of Socialists and trade unionists including the recently resigned Secretary General of the French Socialist Party, Daniel Mayer.

Franc-Tireur, the third of the large resistance movements in the Vichy zone was formed in Lyon in 1941. Its membership and leadership were drawn from a number of political and social groups. Its journal was published first at Lyon, and later was removed to Paris. By 1943 *Franc-Tireur* had a circulation of around a hundred thousand. These three movements formed a combined organization for Vichy France in October of 1942 called *Mouvements Unis de la Résistance* (MUR).

In the occupied or northern zone of France, resistance organization was far more varied and complicated. *Libération-Nord* was formed in September 1941, growing out of an understanding between leaders and workers of the *Confédération Générale du Travail* (CGT) and the Catholic trade unions (CFTC). Charles Laurent, Secretary General of the *Fédération des Fonctionnaires*, was the director of this group. Louis Saillant, a Socialist and one of the leaders of the CGT, and the Catholic trade-union leaders Tessier and Valneyras were active in *Libération-Nord*.

Organisation Civile et Militaire (OCM), formed in 1942, was made up mainly of industrialists, technicians and government officeholders.[4] They had a number of para-military formations and published a journal. *La Voix du Nord* was active primarily in the Pas-de-Calais region, and played an important rôle in the liberation of that area. *Défense de la France* did outstanding work in the struggle against the deportation of

[3] D'Astier later led the minority in the *Mouvement de Libération National* which favored joining with the Communist-led *Front National*.

[4] OCM had a conservative tendency but collaborated with trade-union elements.

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French workers, and in the formation of armed units in Brittany and the Paris region. *Ceux de la Libération* was a paramilitary organization active mainly in the Normandie region. *Résistance,* formed in October 1942, was another Catholic left organization made up primarily of members of the predecessor organization of the MRP, the Popular Democrats. They published a journal and furnished false papers for persons evading the Nazi labor service. *Ceux de la Résistance* was a military organization which avoided all politics. Its units took an active part in the liberation of Paris.

The most important movement originating in the occupied zone was *Le Front National* (FN), formed in May 1941. This organization was founded at the initiative of the Communist Party. It was organized on a geographical and functional basis and later spread into Vichy France. Although its primary stimulus came from the Communists, it included some Catholic and right-wing elements. The Communists intended *Le Front National* as the all-inclusive resistance organization of France, and made efforts to bring the other resistance groups into the movement. It had its own military organization, *Les Francs-Tireurs et Partisans.* Its plan, which was to a considerable extent successful, was to have local units in every *commune* and *arrondissement,* with representative bodies at the departmental and national levels. Its functional organization comprised "National Fronts" for writers, professors, physicians, the theater, lawyers, engineers, workers, and the like. It also established a separate women's organization. Each functional unit had its own journal, and several regional units published their own papers.

Although the efforts of *Le Front National* to combine the resistance movements in France into a single organization under its auspices failed, it appears to have been the largest single resistance movement of France, and the only one with an integrated national "grass-roots" organization. The refusal of the various other movements to consolidate grew out of the distrust of its Communist origin and leadership.

Efforts at unification also came from the non-Communist resistance movements. The *Mouvements Unis de la Résistance*

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(MUR) united the efforts of Christian Socialists, Socialists, trade unionists, liberals and conservatives in the southern zone and coördinated activities in such cities as Lyon, Marseille, Clermont, Toulouse and Montpellier. They also had a number of para-military groups. In February of 1944 the MUR incorporated some of the resistance movements of the north. *Défense de la France*, *Résistance*, and *La Voix du Nord* were taken into MUR to form *Mouvement de Libération Nationale* (MLN). The action of MLN was to prepare for the insurrection on a national scale, just as *Le Front National* was organized and engaged in action on a national scale.

The leaders of *Le Front National* continued their efforts after the liberation to unite the FN and MLN into one national resistance movement to carry on the war and the internal mobilization and purge; but the groups of the MLN were opposed to integral unification. They preferred to maintain their own identity and collaborate with the FN in the *Conseil National de la Résistance* (CNR) which was formed at the initiative of De Gaulle in May of 1943. This organization, under the chairmanship of Jean Moulin (the colorful and heroic "Max" who was De Gaulle's liaison to the French metropolitan resistance), brought into a single top committee representatives of most of the resistance movements and the political parties. Jean Moulin was captured and executed by the Nazis shortly after the formation of CNR. His place was taken by Georges Bidault, leader of the Catholic left, and a veteran of the resistance of the southern zone.

Since CNR acted from May of 1943 as the metropolitan resistance government of France, practically all groups had representation. The Communist, Socialist and Radical Socialist parties, the *Fédération Républicaine*, the *Alliance Démocratique*, and the *Parti Démocrate Populaire* were represented as political parties. *Libération-Nord*, *Le Front National*, *Ceux de la Résistance*, *Franc-Tireur*, *Libération-Sud*, and *Combat* were represented as resistance movements. Both the Catholic (CFTC) and general trade unions (CGT) had separate representation on the Council.

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It was of the greatest significance for the political development of France that only the Communist Party had its own resistance movement. Socialists, Catholic Socialists and liberals, Radical Socialists, and conservative patriots were distributed among the many regional resistance movements and para-military formations; but almost all of the Communists who participated in the resistance were in *Le Front National* and the guerrilla formations *Les Francs-Tireurs et Partisans*. To be sure FN had many leaders and members from other than Communist groups, but the core of activists and militants was largely Communist.

The remarkable electoral victories of the French Communist Party, beginning with the communal and departmental elections of early 1945, continuing in the Constituent Assembly elections of 1945 and 1946, and culminating in the National Assembly election of November 1946, can be understood only in the light of the rôle of the Communist Party in the resistance.

It was in September of 1939 that the CGT expelled all Communists from office in its own organization and in the affiliated trade unions. At the outbreak of the war eighteen Communist deputies resigned from the Communist Party in protest against the Nazi-Soviet Pact and the anti-war position of the French Communist Party. On September 26 the Party itself was dissolved; and soon afterward forty-four Communist deputies were tried on "suspicion of intelligence with the enemy." Of these, twenty-seven were imprisoned; the rest had fled to Moscow or had gone underground in France. Despite this identification with treason and these crushing defeats, the Communist Party of France after the war has almost a million registered members (twice as many as in 1939) and has consistently polled more than one fourth of the French voters. The generally recognized outstanding rôle of the Communists in the French resistance and the heroic achievements of Russian arms together accounted for these amazing successes. The French Communists went underground at the very outbreak of the war after the dissolution of the Party. They held themselves in readiness, organized in the typical Communist under-

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ground pattern of " groups of three ", until the fall of France when they began to engage in propaganda and other operations in the occupied zone. In May of 1941 they formed *Le Front National* in the occupied zone, and rapidly expanded all over France after the German attack on Russia. Of all the para-military formations the Communist-controlled *Francs-Tireurs et Partisans* (FTPF) was the most aggressive and widespread.[5]

It was generally known in France that the hostages executed by the Nazis in reprisal for assassinations and sabotage were taken in most cases from among the Communists held in German and Vichy internment camps. This, of course, centered attention among Frenchmen on the Communist Party, tended to erase earlier memories of Communist treason, and gave the Party prestige among the masses of the population. At the same time the systematic organization of *Le Front National* on the local and functional levels created an apparatus capable of exploiting these favorable attitudes. Furthermore, the units of the FN, its affiliated military groups and its newspapers, functioned in areas of France where the Communist Party had been historically weak. They were organized and had prepared the ground before the liberation. At the time of the liberation they were in a position to take over a very large proportion of the local committees of liberation.

These essential facts of the history of the French resistance were responsible not only for the remarkable strength of the Communist Party, but also for the surprising distribution of its strength in the countryside as well as in urban areas. In the first National Assembly elections of November 1946 the Communists emerged for the second time as the largest party of France with approximately twenty-eight per cent of the vote.

In the black days of French defeat a portion of the Socialist Party (SFIO) acquiesced in the Vichy policy of collaboration. The Socialists therefore had to reconstitute themselves before they could participate in the resistance as a unified group. An early manifesto of the French Socialists reflected this conflict.

[5] On the Communist resistance see particularly *Morts pour la France* (London, 1944); Jean-Jacques et Roland, *La Résistance Française* (Algiers, 1944); Fernand Grenier, *Francs-Tireurs and Guerrillas of France* (London, 1944).

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"... They [Socialists] consider that the Socialist Party, weakened from within by place-seekers, opportunists, and people who had lost the revolutionary ideal, is partly responsible for the progressive disintegration of democracy in France." [6]

First steps to organize the SFIO underground were undertaken in July 1940 by Henri Ribière. The first organizational meetings were held at Nîmes in March 1941, and at Toulouse and Lyon in June 1941. A directing committee was created with Daniel Mayer as secretary. Soon afterward *Le Comité d'Action Socialiste* (CAS) spread throughout France.

CAS was not in itself a militant resistance organization. Its purpose was to maintain the party organization and to engage in propaganda. The Socialist claims of membership in groups affiliated with the CAS range between 40,000 and 60,000. One of the primary functions of the Socialist groups was the publication of the various clandestine Socialist newspapers which had a circulation of about 60,000.[7]

While the Socialists claim that they had the largest representation in the various resistance movements, they point out that as a matter of policy they did not engage in militant resistance as a party. Daniel Mayer, then Secretary-General of the SFIO, explicitly justified this policy. "The Party, and it has been criticized for this, did not organize any autonomous resistance movement, because it believed that Frenchmen were fighting above all as Frenchmen and that national resistance could not be the exclusive work or property of any one party. But our Party has given its men unstintingly to the various movements fighting for liberation." [8]

There can be little doubt on the basis of available evidence that the Communists in contrast to the Socialists greatly strengthened their political position through their rôle and tactics in the resistance. The present preponderant position of the Communist Party in the CGT grew out of the Communist

[6] *France and Britain*, September 1940; for an extensive treatment of the rôle of the SFIO in the resistance see Robert Verdier, *La Vie clandestine du Parti Socialiste* (Paris, 1944).

[7] The Socialist papers included six "Populaires" published in different parts of France, and *l'Espoir*, published in the southwest of France.

[8] *Le Populaire*, September 11, 1944.

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control of the workers' units and districts of the FN and the militias and guerrilla organizations. The Socialists lacked a militant, locally and occupationally rooted organization capable of consolidating and expanding their position. The Socialists in all likelihood were more active in the resistance than the middle-class parties. But it was not these groups which set the competition for the Socialists; it was the Communists. Since the Socialists and Communists competed with one another for the support of labor and allied elements, the organizational achievements of the Communists in the resistance gave them an advantage which was soon reflected in the elections. In the first Constituent Assembly elections the Socialists got a slightly smaller percentage than the Communists, in contrast to the pre-war situation in which the Socialists had considerably more support than the Communists. The relative decline of the Socialists was even more sharply indicated in the first elections to the National Assembly in which their vote dropped to under eighteen per cent.[9]

The *Mouvement Républicain Populaire*, the French version of the almost Europe-wide Christian democratic movement, is a new formation, as one of the great parties of France. In the last three French elections it has polled more than a quarter of the vote. In the first Constituent Assembly election it was led only by the Communists; in the second election it was the largest French party; and in the first National Assembly elected under the new constitution its vote was again exceeded only by that of the Communist Party. The *Parti Démocrate Populaire*, which was its predecessor in the pre-war period, was represented in the Chamber by some fifteen deputies. Its leaders were the left-Catholics—Bidault, Teitgen and de Menthon. The movement had its origin in the groups inspired by the social encyclicals of Popes Leo XIII and Pius XI. As a spiritual trend the

[9] The loss of three quarters of a million votes by the Socialists since the liberation cannot, of course, be directly attributed to the resistance. The Socialists are pressed on the left by a Communist party which is following a moderate policy, and on the right by a Catholic party which has followed a moderately left policy. The difficulties in distinguishing the Socialists from these two great neighbors were reflected in the recent overturn of its executive committee by those favoring an independent Socialist policy.

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movement was older and was recruited from among young Catholic intellectuals and the "socially minded" lower clergy and Catholic workers dissatisfied by the monarchism and conservatism of the French Church. The liberalism of the *Parti Démocrate Populaire* appealed to members of the Catholic trade unions and the sections of the middle and lower middle classes which favored a liberal position, but rejected the anti-clericalism of the Radical Socialists. In the 1930's the Catholic Socialist left wing of this movement, *La Jeune République* (established by Marc Sangnier in 1912), joined in the *Front Populaire*. Georges Bidault, later head of the CNR and President of the Constituent Assembly, was the editor of the journal of this Catholic movement, *L'Aube*. The readers of this liberal Catholic periodical consisted of the *Démocrates Populaires*, the members of *La Jeune République*, and the younger members of the Catholic trade unions who had formed the *Jeunesse Ouvrière Chrétienne* in 1927. A philosophical current was also present in this movement, organized among the friends of Jacques Maritain.

Although this group was small it was "rich in militants".[10] Catholic democrats and trade unionists under Francois de Menthon founded the resistance movement *Liberté* which was later consolidated in *Combat*. *Libération-Nord* also contained a considerable element of Catholic workers under the leadership of Gaston Tessier, Secretary-General of the CFTC. *Résistance*, a movement in the north of France, was almost entirely made up of members of the *Parti Démocrate Populaire* and *La Jeune République*.

These young militant Catholics participated in the resistance in numbers far out of proportion to their previous political strength. Vignaux describes the leaders of the Catholic left as "... men in possession of a social ideal, completely disinterested, belonging to the middle classes, or to the lower middle classes, and who are not remote or isolated from the popular

[10] Paul Vignaux, "The Christian Democrats in France", *Commonweal*, October 27, 1944; an excellent treatment of the Catholic socialist movement in France is to be found in Alfred Spire, *Inventaire des socialismes français contemporains* (Paris, 1945). On the importance of the resistance in the recent expansion of the CFTC, see P. Locardel, "L'essor syndicaliste chrétien", *Témoignage Chrétien*, August 2, 1946.

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masses." [11] The experience of these Catholic left leaders in the resistance gave them a sense of confidence and strength (as well as trained youthful and energetic leaders) which they had not possessed before. At the same time the involvement of some of the French higher clergy and conservative Catholics with Vichy weakened the Catholic right among the general population. Consequently the stage had been set for electoral victories which the MRP leadership itself never fully anticipated. This strength, however, is admittedly not left strength. The conservative Catholics, and lay conservatives as well, saw the futility of attempting to win votes under their own banners in the atmosphere of the liberation. They viewed the MRP as a potential counterweight to the dangerously strong left, and voted for its candidates in large numbers. Thus the French Institute of Public Opinion recently reported that more than half of its sample of MRP voters thought that the policy of the MRP-led government coalition was too far to the left. Only three per cent favored a more left policy. Seventy-one per cent of the MRP sample in another poll expressed a desire for the return to power of De Gaulle. This was after the French leader's Bayeux speech in which he had attacked the proposed constitution which had received the support of the MRP in the Constituent Assembly.[12] The closeness of the vote in the French referendum of September 1946, on the version of the constitution which had received the support of the three coalition parties, clearly indicates that there is a great right wing in the MRP which finds it momentarily expedient to support a left-wing leadership. In the first National Assembly election of November 1946 the MRP dropped slightly in its proportion of the total vote cast, while the vote of the right-wing parties rose by a small percentage. This slight electoral shift seems to be a result of the left policy of the MRP in the constitutional controversy.

The collapse of the Radical Socialists and the weakness of the right-wing parties after the liberation grew out of the identification of these groups with the catastrophic French

[11] *Ibid.*

[12] Institut Francais d'Opinion Publique, *Sondages*, June 15, and August 16, 1946.

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policy of the late 1930's, and their passivity in the resistance. The Communists also were deeply discredited in 1939, but they made an amazing come back under the occupation. The Radical Socialists and the old right-wing parties failed almost entirely to utilize this opportunity. The Radicals suffered most dramatically, dropping from the status of the "party of the government", which they had held almost continuously since 1875, to a party polling approximately ten per cent of the votes in the recent elections.[13]

The decline of the Radical Socialists had begun to set in before the war. As the historic French liberal party it lived its greatest days in the struggle against monarchist and clerical France. But it had no program capable of channeling and satisfying the discontents of the 1920's and 1930's, and certainly had little to offer the deeply dissatisfied and left-oriented France of the post-liberation period. The Radical Socialists no longer had a faith such as animated the Catholic left, the Communists and Socialists, and made it possible for these groups to assume risks in the defense of principles and ideals. One writer observed: "The years of German occupation which drove both the Socialists and the Communists into active resistance against the invader, saw the radicals temporising. And, once liberation had come, and a new horizon opened before France, they found nothing to propose except a return to legality."[14] These points are not in deprecation of many individual instances of participation by Radical Socialists such as René Capitant, Paul Mazé, and Paul Bastid (the last two were members of the National Resistance Council).

Among the penalties suffered by the Radical Socialists for their inactivity in the resistance, was their lack of a press at the time of the liberation. The Communists, Socialists and MRP groups had their clandestine journals which in the days of liberation burgeoned into legal dailies and weeklies with large circulations and which could make claims on scarce supplies of paper. The Radical Socialists had neither paper nor ready

[13] *Elections et referendums* (Paris, 1946).

[14] Albert J. Farmer, "Reflections on French Parties", *Pages de France*, #402, 1945.

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journalistic personnel. They were, consequently, delayed considerably before they could again reach a public. The Radical Socialists also bitterly attacked the French election law which had the effect of reducing their representation in national elective bodies.[15]

Participation in the resistance by the *Fédération Républicaine* and the *Alliance Démocratique* was negligible. The old Republican leader Louis Marin was active in the French Committee of National Liberation in London. Other Republicans participated in resistance movements as individuals. The *Alliance*, the party of Flandin and Reynaud, was also inactive as a group, with some participation on an individual basis. It was not until October 1944 that an executive committee was formed of Republican resistants who belonged to the *Alliance Démocratique* in order to claim representation in the National Resistance Council.

In post-war France the *Fédération Républicaine* and the *Alliance Démocratique* are of little importance as parties. The strongest right-wing formation is the new *Parti Républicain de la Liberté* (PRL) which has been attempting to form a single right-wing French party. All of the right-wing groups together polled only between twelve and thirteen per cent of the votes in the last three elections.

Germany

In Germany the intervention of the occupying Powers has had important influences on the strength of the political parties, and has greatly obscured what might have been the " normal " developments. In the British, American and French zones the Communist Party is extremely weak. Even in such historic strongholds as Hamburg, Berlin and the Ruhr the Communists failed to poll as many votes as they had received in the pre-Nazi period. In the Constituent Assembly elections in the American Zone the *Kommunistische Partei Deutschlands* (KPD) received an average of 7.8 per cent of the total vote. In the British Zone it received 8.1 per cent. In the Russian

[15] Mario Einaudi, " Political Change in France and Italy ", *American Political Science Review*, October 1946, pp. 848 *et seq.*

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Zone the forced merger of the Communist and Social Democratic parties has confused the situation. Under considerable pressure the *Sozialistische Einheitspartei Deutschlands* (SED) was established to take the place of the two preceding left-wing parties. This party polled 47.7 per cent of the votes in the Russian Zone. Many of the Social Democrats refused to vote for the new party, casting their ballots for the Liberal Party, a trend which is suggested by the fact that it is only in the Russian Zone that this right-wing party received such a large proportion of the votes (24.7 per cent). In the other zones its vote was under ten per cent. In the Berlin elections the pressure of the occupying Powers was more or less equalized since each Power was represented in the occupation. Perhaps the results of the Berlin election correspond more closely to what would have been the result in the absence of occupation pressure. The Communist-dominated SED received 19.8 per cent of the votes, the Social Democrats 48.6 per cent, the Christian Democratic Union 22.2 per cent, and the Liberal Party 9.4 per cent.

On the whole it would probably be fair to estimate the Communist vote (if the KPD had not been hampered by Russian policy) at somewhere between the small percentage in the western zones, and the artificially high percentage of the SED in the eastern zones. Possibly twenty to twenty-five per cent would be a good guess as to the strength of the German Communist Party for Germany as a whole, in the absence of influence by the occupying Powers. This would have represented a gain of between five and ten per cent over the pre-Nazi vote of the German Communist Party.

The two largest parties of Germany today are the Social Democratic Party and the Christian Democratic Union. Taking Germany as a whole the Christian Democratic Union polled over a third of the votes. The Social Democratic Party polled around a third of the votes in those areas where it is permitted to exist. Germany's main conservative party, the Liberal Party, received under ten per cent of the total in the western zones.

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This then appears to be the constellation of parties in Germany today: starting from the left, the Communist Party with an unknown potential; the Social Democratic Party with a little more than a third of the votes; the Christian Democratic Union, somewhat stronger than the SPD; and the Liberal Party with under ten per cent in the western zones. Among the significant changes over the pre-war period is the destruction of the old right-wing parties — the Nationalist and Peoples parties—and the development of the new Liberal Party (and a number of smaller local formations). This segment of German political life now has only a fraction of its pre-war strength. Perhaps the most dramatic change in the German party system is the emergence of the Christian Democratic Union as the strongest German party. The new CDU (with considerable strength in Protestant areas) has received more than twice the vote of the old Catholic Center.

While it was possible in France to show rather clearly how the resistance influenced the strength and tendency of the French parties, in Germany such influences were obscured by subsequent developments. Broadly speaking the social composition of the German anti-Nazi opposition was the same as that of France, but on a considerably smaller scale.[16] The local units of the Communist and Social Democratic parties and the Catholic Church were the most active and persistent elements in the resistance. The Communists again as in France were more militant than the Social Democratic groups.[17]

As in the rest of Europe, resistance in Germany took on active proportions after late 1942 (the pre-war anti-Nazi resistance is excluded from consideration here). This was the period during which the formation of anti-fascist organizations took place on the left, and the plans for the July 20 putsch

[16] See the forthcoming study, Gabriel A. Almond and Wolfgang Kraus (eds.), *The Prospects of Democracy in Germany*, chapter ii. Political arrest figures for Germany and such foreign areas as Bohemia and Moravia and parts of Poland showed an approximate ratio of at least four to one for foreign political arrests as compared with German.

[17] See Gabriel A. Almond, "The German Resistance Movement", *Current History*, May and June 1946.

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were accelerated on the right. Under the leadership of Communists and left-wing Social Democrats a considerable number of anti-fascist fronts were formed on a local basis. These included the Communist-initiated "Free Germany Committees" in Leipzig, Dresden, the Ruhr and Munich, the *Kampfgemeinschaft gegen den Faschismus* of Bremen and environs, and similar organizations elsewhere. Where the Social Democrats had resistance organizations of their own they frequently refused to participate in the Communist-initiated anti-fascist fronts. This was true in such places as Halle, Hanover and Lübek. In places where the Social Democrats were weak, individual party members (generally left-wing Social Democrats) participated in the combined anti-fascist committees.

Gestapo records indicate that the Communists on the local level undertook the most militant types of resistance activity such as the issuance of leaflets, slowdown campaigns, the formation of armed units. Many of the Social Democrats viewed the aggressiveness of the Communist resistance as suicidal, and refused to become involved because of the prohibitive risks. The Social Democrats, on the other hand, while organized on the local level in many areas, carried on what one might call a "survival" resistance. Their main hope was to preserve small groups which might become active at the time of Nazi defeat. Their activities took the form of occasional educational meetings, and "word-of-mouth propaganda". The great, and largely valid, claim to militant resistance on the part of the Social Democrats during the war period was their involvement in the "July 20 affair".[18] A considerable number of Social Democratic leaders in Berlin and elsewhere had been closely identified with the planning and organization of this attempted putsch, and were killed in the wave of executions which followed its failure.

At the time of entrance of Allied troops into Germany the many local anti-fascist organizations came to the surface and

[18] See Franklin T. Ford, "The Twentieth of July in the History of the German Resistance", *American Historical Review*, July 1946. Almond and Kraus (eds.), *op. cit.*, chapter iv.

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expanded rapidly.[19] The Communist-led anti-fascist groups in places like Leipzig and Bremen increased in membership from hundreds to thousands in the course of one or two weeks. In the American and British zones this activity was quickly suppressed. In the Russian Zone such anti-fascist organizations, particularly when Communist-led, were encouraged.

There can be little doubt that the German Communists would have greatly strengthened their position in the western zone had the occupation authorities permitted them to retain their organizations and engage in recruiting activity. They were on the spot with experienced party workers, and an aggressive leadership. In many areas they controlled combined resistance groups which included Social Democrats and liberals as well as Communists. They might very well have approximated the French Communist victory which so thoroughly consolidated the gains of the resistance; but two factors prevented the realization of these gains. The Western allies prohibited all political organization in their zones during the first months of the occupation. This gave the Social Democrats and other political groups opportunity to establish their organizations on a local basis. The second factor was the Russian policy of incorporating eastern German territories into Poland and Russia, and the heavy removal of German capital equipment. This greatly reduced the mass support of the German Communist Party, and even resulted in resignations within the KPD.[20] By the fall of 1945 when political activity was authorized in the western zones the *élan* of the Communist-led "Antifas" was broken, and the Communist Party was rather thoroughly discredited among considerable elements of the German population.

Thus occupation policy greatly influenced the composition of the German left, cutting down the Communist Party in the

[19] See Moses Moskowitz, "The Political Reëducation of the Germans", POLITICAL SCIENCE QUARTERLY, December 1946, pp. 535 *et. seq.*; Hans Meyerhoff, "Parties and Classes in Post-war Germany", *South Atlantic Quarterly*, January 1947, pp. 23 *et seq.*; Paul Sweezy, "Germany from the Ruins", *New Republic*, April 22, 1946, pp. 585 *et seq.*

[20] Note the resignations in Bremen of Wolters and Eihlers, two veterans of the Bremen resistance, and the ablest leaders of the Bremen KPD.

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western zones and strengthening the Christian Democratic Union and the Social Democrats. In the Russian Zone where the Social Democratic Party has been dissolved, it is impossible to judge how the parties would stand in a free election. If the recent Berlin elections reflect the potentialities in the Russian Zone, then we might conclude that the strong Christian Democratic and Social Democratic tide is characteristic of all of Germany.

The great strength of the Christian Democratic Union throughout Protestant as well as Catholic Germany is a product of many influences. Fear of Russia and communism and the appeal of religion in the general German political, economic and moral collapse are among the significant factors. But of special importance was the rôle of the Catholic Church in the resistance. The Evangelical Church (with the exception of the "Confessional" wing) relatively speaking adapted itself to National Socialist domination. The Catholic Church stood out in the "moral" resistance against Nazism. Many of its priests and bishops publicly continued to express oppositional sentiments during the entire Nazi period. In the six-month period from January to June of 1944 the Gestapo arrested more than 300 Catholics in contrast to forty Lutherans for participation in prohibited "religious movements".[21]

The Catholic Church consequently was prominently identified among Germans as being non-Nazi in tendency. After the Nazi collapse, when all political activity was forbidden in the western zones, church activity was not restricted. It was during these early months that the Catholic Church took the initiative and laid the groundwork for the Christian Democratic Union. The great prestige of the Church made it possible to recruit support on a large scale from the Protestant population. Its general policy of "forgiveness" of the Nazis and its anti-Russian tendency brought to the support of the CDU considerable elements of the German right and many Nazis as well,

[21] *Zusammenstellung der von der staatspolizeileitstellen gemeldeten Festnahmen*, Januar-Juni 1944, Reichs-Sicherheitshauptamt, Berlin.

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who sought the security against communism and a thoroughgoing purge which the CDU offered.

In its earlier phase the Christian Democratic Union had a left orientation, favoring a policy of nationalization and economic planning. Prominent left-wing and moderate Catholics who had been involved in the Catholic resistance, such as Jacob Kaiser, Andreas Hermes and Joseph Mueller (all of whom had been active in the July 20 plot), were responsible for this left-wing tendency. But like the MRP in France the right has great strength in the Christian Democratic Union. As a consequence the CDU appears to be an unstable phenomenon. In the Ruhr the Catholic trade unionists withdrew in considerable number from the CDU and formed a new "Center" party. In most areas there is a serious "right-left" tension within the organization.

As in France, the older liberal and conservative parties were not actively involved as organizations in resistance activity. Conservative nationalists, liberals, Christian Democrats and Social Democrats were all involved in the attempted putsch of July 20, 1944. This putsch relied for its immediate success, not on any mass organization, but on an Army coup. Had this been successful, the beginning of a mass basis was to have been provided by the local units of the Social Democratic Party and the former trade unions. Trade-union and Social Democratic leaders were very active in the planning of the attempted coup and had alerted their local organizations with regard to their function after the coup had been carried off.

The German Social Democrats and Communists are currently engaged in controversy as to which party has the better record in the resistance. The answer appears to be that the Communists were more militant on the local level, and dominated the "Antifas" of the immediate post-liberation period. The Social Democrats were also organized on the local level, but their claim to militancy grows mainly out of their rôle in the July 20 affair. Communist political gains, which might have developed out of their rôle in the resistance, were checked by both Western and Russian occupation policy.

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Other Countries

The resistance movement in Italy, which reached its peak of militancy and effectiveness in the large-scale partisan activities in the industrial north in 1943, grew out of the long clandestine struggle of democratic, socialist and communist organizations under fascism. Perhaps a quarter of a million people in Italy participated at one time or another in the underground struggle.[22] The armed Italian resistance groups, called "Patriots", were formed after the fall of the Fascist régime mainly from among the workers of the industrial north, demobilized army officers and men, and released Italian prisoners-of-war. Most of the Patriot bands were organized by members of the Italian anti-fascist parties which came to the surface at the time of the Fascist collapse. The most active organizers of these bands were the Communists, and the Democrats of the Action Party. Catholics formed units known as the "Green Flames" and "Popolo" which, according to some sources, were extremely numerous.[23]

The Socialists had their own military organizations in some of the larger towns. The political parties active in the resistance formed the Committee of National Liberation (CLN), a coalition of six anti-fascist groups. These were the Christian Democrats, Liberals, Action Party, Socialists, Communists, and Labor Democrats. Local Committees of National Liberation were organized in every regional capital and in many other towns and villages. The Milan CLN exercised control over the resistance in northern Italy and the Rome CLN exercised a loose control over the organizations throughout Italy. The Patriot bands of the Communist Party were called "Garibaldi", those of the Democratic Action Party were called "Rosselli", the Socialists "Matteotti", Christian Democrats "Popolo" and Liberal Party bands "Patria". The Army under Badoglio

[22] On the Italian resistance see Massimo Salvadori-Paleotti, "The Patriot Movement in Italy", *Foreign Affairs*, April 1946, pp. 539 *et seq.*; "The Last Hours", *Commonweal*, April 5, 1946; Joseph Calderon, "Italians Went Out to Die", *Commonweal*, May 10, 1946. For a discussion of the contemporary Italian party system see Max Ascoli, "Political Reconstruction in Italy", *Journal of Politics*, August 1946, pp. 319 *et seq.*

[23] See Calderon, in *Commonweal*, May 10, 1946.

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also had its resistance units in occupied territory. Considerable tension developed between these "Badogliani" and the Patriot bands which was more or less resolved when the major anti-fascist parties entered the Badoglio Cabinet in April 1944.

It has been estimated that the total number of Patriots in Italy at any given moment after 1943 ranged around 100,000. Resistance casualties are estimated at around 26,000 dead and twice as many wounded and missing. As far as the political composition of the Patriot formations is concerned, one authority estimates:

> About two-fifths of the overt Patriots north of the Apennines were in the Communist Garibaldi organization; a little more than one-fourth were in the GL (*Giustizia e Libertà*) organization of the Action Party; about one-tenth were in the Socialist Party Matteotti groups. This does not mean, however, that out of ten Patriots, four were Communists, two or three Democrats of the Action Party, one a Socialist and so on; leaders were usually party members, but the political views of the rank and file were vague.[24]

In other than the military phases of the resistance the activity of the political parties differed. The Socialists made their greatest contribution through the underground trade unions. The Christian Democrats and the Catholic clergy supplied shelter, refuge, food and clothing. The Church won considerable prestige during the occupation period.

> . . . during the twenty months of German occupation in Northern Italy, probably the majority of the clergy collaborated in one way or another with the resistance. Many priests found their way into overt Patriot formations, which prided themselves in having a chaplain. Vestries, parish houses, religious schools, seminaries, monasteries and convents were used as meeting places by the resistance. Probably every high-ranking member of the Catholic hierachy intervened to save the lives of Patriots.[25]

The great strength of the Communist Party in Italy today is attributable in part to its rôle in the resistance.[26] It was

[24] Salvadori-Paleotti, in *Foreign Affairs*, April 1946, p. 546.

[25] *Ibid.*, p. 548.

[26] Elizabeth Wiskemann, "Socialism and Communism in Italy", *Foreign Affairs*, April 1946, pp. 484 *et seq.*

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the best organized party in the industrial north, and possessed the greatest number of militants. Although the Socialist Party is still slightly stronger than the Communists, it has lost greatly in strength in comparison with its position before the advent of the Fascists. The Communists won 107 seats in the Constituent Assembly election of June 1946, as compared with the Socialist total of 116.[27] As in France, the Communist Party has been especially successful in recruiting the younger generation.

The Democratic Action Party, while it had an excellent record in the resistance (in contrast to comparable social groups in France and Germany), has been unable to capitalize on this record in the post-war period. This is perhaps attributable to internal conflicts in its leadership, and the pressure of the Italian left and right movements in the general atmosphere of Italian demoralization which followed after the liberation. The strength of the Communist Party tended to drive considerable elements among the Italian middle classes into the Christian Democratic fold. The Actionists were incapable of offering the kind of security against left extremism which these elements expected to find in a Church-backed movement.

The success of the Italian Christian Democratic Party at the expense of the other middle and right-wing parties (35.2 per cent of the votes in the July 1946 election) is a product of a variety of influences. The good resistance record of the Church and its Christian Democratic groups established it as non-fascist and anti-fascist in tendency. It has a nucleus of Catholic left-wing leaders, who trace their political position back to the earlier Catholic *Popolari*.[28] This left-wing group attracts support of the Catholic workers and trade unionists. At the same time the Italian middle and upper classes view the party as a safe haven against communism. While a considerable element of the Christian Democratic rank and file is left-

[27] *New York Times*, June 6, 1946, p. 5, col. 1. Subsequently the Socialist Party was further weakened by the withdrawal of the right-wing Socialists under Sarragat as a protest against Nenni's policy of eventual fusion with the Communists. The formal separation took place in January 1947.

[28] G. Gonella, "Christian Democracy in Italy", *Commonweal*, August 17, 1945.

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wing, the active leadership with the exception of the Don Sturzo group is predominantly conservative. This was reflected in the intervention on the part of the Catholic clergy and Catholic Action in favor of the monarchy in the June referendum, even though the Christian Democrats had gone on record against the monarchy.[29]

The impact of the Italian resistance on Italian politics was limited by occupation policy, although not to the same extent as in Germany and Greece. The support of Badoglio and the monarchy and the lack of recognition by the Allied authorities of the Italian contribution to the German defeat have been among the factors which account for the Italian post-war demoralization. The nihilistic *Uomo Qualunque* and the Communists have profited from this demoralization while the center and moderate left have suffered losses.

It is generally recognized that the largest and most effective Greek resistance organization was the EAM with its military arm ELAS. EAM in its earlier phase was made up of elements of the old Greek "Popular Front" which had gone underground at the time of the establishment of the Metaxas dictatorship. These parties were the Communist (KKE), the Union of Popular Democracy (ELD), the Socialist Party (SKE), and the Agrarian Party (AKE). Each of these parties had seats on the central committee of EAM. There can be little doubt that the Communists were the most militant elements in the EAM and particularly in ELAS.[30] Other groups in the Greek resistance included the Panhellenic Liberation Organization (PAO), the Panhellenic National Party (PEK), National Party of Social Reconstruction (EKKA), and the

[29] Elizabeth Wiskemann, "The Birth of a Republic", *Fortnightly*, July 1946. Similar action by the French clergy against the constitution proposed by the three-party coalition raises the supposition that the Vatican has a definite "Constitutional" policy favoring strong executives. Note also the strongly pro-monarchist position of the Belgian *Parti Social Chrétien*.

[30] L. S. Stavrianos, "Greece: The War and Aftermath", *Foreign Policy Reports*, September 1, 1945; David Sacker, "Background of the Greek Crisis", *Contemporary Review*, March 1946; F. A. Voight, "The Present State of Greece", *19th Century*, June, July, August 1946; Lyall Wilkes, "ELAS, the Germans and the British", *New Statesman and Nation*, March 9, 1946.

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National Democratic Greek League (EDES). With the exception of EDES the other resistance groups are described as consisting of army officers, usually of Metaxas or royalist persuasion, with "virtually no popular following." [31] EDES had a small following and received strong British support, but was a minor movement compared to EAM.

During the occupation the militancy of EAM and ELAS drew considerable support from all elements of the Greek population. EAM included more than a thousand Greek army officers, and as many clergymen. Anthony Eden is said to have estimated EAM membership in 1944 at more than half a million, while the armed units of ELAS included 50,000. At the height of the organization's strength in the early months of the liberation, official EAM figures claimed a million and a half enrolled members.

In the later phase it is apparent that EAM, in the growing tension between the British-supported Greek government-in-exile and its own formations, became more concerned with getting control of Greece than fighting the Germans. But previous to the liberation there can be little question that EAM offered a resistance to the Germans perhaps exceeded only by the actions of the Polish underground, Tito's Partisans, and the Russian guerrillas.

The basic factor responsible for the Greek conflict appears to have been the bitter hostility and mistrust between the left and liberal Greek parties and the right-wing and royalist groups which dominated the government-in-exile. The EAM groups had been underground, more or less, since 1936. At the time of liberation EAM had a large army of its own and was in effective control of the country. The formation of a compromise cabinet under Papandreou in which EAM had five representatives did not resolve this deep-seated mistrust. The issue which resulted in civil war was the question of the dissolution of the armed formations of the resistance. EAM insisted that the royalist "Mountain Brigade" and "Sacred Company" be dissolved along with the resistance formations. The British and the Greek right-wing groups refused and

[31] Stavrianos, in *Foreign Policy Reports*, September 1, 1945.

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General Scobie then commanded EAM to dissolve ELAS. The excesses of the civil war which followed made compromise even less possible.

The Greek elections of March 1945 were held at a time when a considerable number of leftist leaders were in prison. According to the Three-Power Board established to observe the Greek elections, around twenty-nine per cent of the names on the registers were either doubtful or invalid. Consequently the EAM conducted a boycott campaign which resulted in the abstention of at least twenty per cent of the validly registered voters.[32]

While the Three-Power Board described the election as a fair one, and as representative of Greek opinion, it is doubtful that the immediate post-civil-war period provided an atmosphere favorable to a fair election contest. That the general situation played into the hands of the right was reflected in the decision of the Tsaldaris government to advance the date of the plebiscite on the monarchy from 1948 to the summer of 1946.

The composition of the Greek Parliament, elected in March 1946, was consequently very heavily overweighted in favor of the right. The pro-royalist Populist Party won 191 seats, the National Bloc 56, the Liberal Party 42. The EAM groups did not participate in the elections.

Although the situation in Greece may become more stable in the future and result in left representation in the government, the gains of the Greek left-wing resistance have been destroyed by subsequent developments. It is, of course, quite possible that a laisser-faire policy on the part of Great Britain might have resulted in a Communist dictatorship. But it is still a matter of heated controversy as to whether or not the sole alternative for Britain was to support the royalist right wing, and to suppress EAM. One interpretation of British policy holds that both the Conservative and Labor governments, in their efforts to avoid a repetition of the events in Yugoslavia, were unwilling to accept the hazards to their Mediterranean policy implicit in the support of a Greek government in which

[32] *New York Herald Tribune*, April 7 and 12, 1946.

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the Communist Party had a strong position. Whatever may have been the British motivation, there can be little doubt that the gains achieved by the left, and particularly the Communist Party, in the resistance have been largely negated by British intervention.

British intervention in Greece is, of course, matched and exceeded on a much larger scale by Russian intervention throughout the eastern zone, and perhaps most dramatically in Poland. To some extent the conservative and moderate anti-Nazi resistance in the entire Russian-controlled area has been driven underground.

In areas marked by extreme political instability and bitter internal conflict, the political gains and losses growing out of the resistance have been obscured by the establishment of dictatorships or by the intervention of the occupying Powers. In more stable areas with stronger democratic traditions, the political gains and losses of the resistance have affected the political composition of post-war governments in more moderate ways. This was true of the Scandinavian and Low Countries. The experience of Belgium and Norway may be taken as more or less typical of developments in these areas.

The moderate tendencies of Belgian politics limited the advance of the extreme left in comparison with France. The Belgian Catholic Party in 1932 received more than 38 per cent of the votes. In 1936 it had declined to 28.6 per cent. The election of February 17, 1946 gave it 42.53 per cent of the votes. The organization and program of the Belgian Catholic Party were liberalized after the reëstablishment of Belgian sovereignty. The left Catholic intellectuals and workers had won great prestige by their rôle in the resistance, and took the initiative in the formation of the new *Parti Social Chrétien* (PSC). The control of the old Catholic Party had been weighted in favor of the upper-class elements through the provision for equal representation on the Central Committee of the four constituent groups: (1) Catholic trade unions, (2) farmers, (3) middle classes, (4) merchants and industrialists. Although the trade unionists had constituted one of the two largest single elements in the party, it shared control equally with the other

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three groups. The new PSC is an individual membership organization in which the Catholic trade unions enjoy an influence more in proportion to their considerable strength (some 400,000 members).

The energy and strength of the PSC are in part attributable to the rise to leadership in Belgian Catholic politics of a young left-oriented elite, recruited from the Catholic youth and Catholic workers' elements of the resistance. Sixty-one of the PSC deputies and fifty-four of the senators have never served in Parliament before. But like the Catholic Party of France the PSC has a large conservative contingent. Although it is the largest party in Belgium it is not represented in the government because of the opposition of the other parties to the return of King Leopold.[33]

The Belgian Communist Party has increased in electoral support from 1.6 per cent of the total vote in 1925, to 6 per cent in 1936, and 12.68 per cent in February 1946. As in other areas these considerable gains are in large part attributable to the rôle of the Belgian Communist Party in the resistance. The Communists were the first to organize underground in Belgium. Their underground press had a circulation far out of proportion to the Party's pre-war strength. The Belgian Communist Party took the initiative in the formation of the Independence Front which was the inclusive organization of the resistance. They were also disproportionately active in the military resistance, and claim a total of seven thousand casualties—arrests and executions. Jean Terfve, Secretary of the Belgian Communist Party, claims:

> Through its fight during the occupation, the Communist Party, which was only a small party before the war, has gained the confidence of a considerable part of the people, not only among the workingmen but even within the middle class and among the intellectuals. The party now has 103,000 members, and its newspapers are among the most widely read in the country. It rep-

[33] Auguste Edmond De Schryver, "The Christian Social Party (P.S.C.)", *Annals of the American Academy of Political and Social Science*, September 1946; René Hislaire, "Political Parties", in Jan-Albert Goris (ed.), *Belgium* (Berkeley and Los Angeles, 1945).

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> resents a popular element which has to be reckoned with from now on in the political sphere. During the recent elections it polled 300,099 votes, and among its representatives in Parliament it counts 17 Senators and 23 Deputies.[34]

The Belgian Socialists have just about held their own in the post-war period. In 1925 they received 39.4 per cent of the vote; in 1939, 30.1, and in February 1946, 31.59. As in France (though less dangerously so) the Belgian Socialists are pressed on the left by the expanded and aggressive Communist Party and on the right by the now moderately left-oriented Catholic Party.

The Socialists played an important rôle in the resistance. They had a clandestine press, provided forged identity cards and work certificates for Belgians evading the Nazi labor service, gave financial aid to families suffering under the occupation, and aided in the British psychological warfare campaign against Wehrmacht formations stationed in Belgium. But in comparison with the Communists their rôle in the militant "partisan" resistance was less significant.[35]

The Belgian Liberal Party did not participate in the resistance as a party. Individual Liberal Party leaders and members worked on the underground papers and in the resistance organizations. The Liberal Party has dropped in electoral support from 17.3 per cent of the votes in 1939 to 8.92 per cent in the election of February 17, 1946.[36]

The Norwegian resistance was broadly representative of the various political parties, but the Communist Party played a disproportionately active rôle.[37] This was reflected by the ad-

[34] "This represents 12.68 per cent of the total number of valid votes cast in the February 17, 1946 elections for the Chamber of Representatives, giving this party 23 of the 202 seats in the Chamber...." Jean Terfve, "The Communist Party", *Annals of the American Academy of Political and Social Science*, September 1946, p. 19.

[35] Victor Larock, "The Socialist Party", *Annals of the American Academy of Political and Social Science*, September 1946, pp. 12 *et seq.*

[36] René Drèze, "The Liberal Party", *Annals of the American Academy of Political and Social Science*, September 1946, p. 73.

[37] Eric C. Bellquist, "Government and Politics in Northern Europe", *Journal of Politics*, August 1946.

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mission of two Communists to the Cabinet which ruled Norway before the elections, the first time Communists had served in a Norwegian Cabinet. In the 1945 election the Communists received almost one hundred fifty thousand votes, or more than thirty-five times the vote received in the election of 1936. They have 10 out of 150 seats in the Storting, placing them in a tie with the Agrarians for the position of fourth strongest party in Norway.[38]

The Norwegian military resistance was called MILORG. It was under command of the Norwegian government in London, and was supposed to include all military formations in Norway. The Communists had their own groups of guerrillas and partisans which played a disproportionately aggressive rôle in sabotage and other militant actions. The militancy of the Communist partisans confronted the Norwegian government with a disciplinary problem, since the action of the Communist groups resulted in heavy casualties. These groups were only gradually and grudgingly brought within the discipline of MILORG which followed the policy of saving its cadres until they could be coördinated with an invasion force. The Communist military groups in Norway suffered the heaviest casualties among all the military formations.

The liberal and right-wing parties of Norway lost considerable strength, while the moderate Socialist Labor Party, although suffering small losses, still held its own as Norway's largest party.

The Resistance and the Crisis of Liberalism

The political developments which were accelerated during the Nazi occupation had their origins long before the war. The crisis of the 1930's found moderate socialism and liberalism increasingly incapable of channeling and directing the unrest and dissatisfaction of that era. It was symptomatic of the seriousness of the European crisis that the parties of "action" and of "integral solutions" were on the march, while the "rational" and "compromise" parties were paralyzed by doubt and indecisiveness.

[38] *Ibid.*

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The Nazi occupation confronted the non-fascist and anti-fascist formations with what is, ultimately, the simple test of political faith, the willingness to risk life. A great proportion of the right-wing elements, whose main concern for generations had been to conserve vested interests against the threat of the left, found little difficulty in adjusting to the conqueror, just as they later attempted to make peace with the resistance movements when the fortunes of war changed. A segment of the right found its way into the resistance via religious and patriotic faith, but this was a matter of individuals and occasional groups. The liberal democratic elements, heirs of a great revolutionary past, lacked a militant faith in their capacity to solve the problems of the present. Consequently in many areas they withdrew into passivity when confronted with the prohibitive risks of resistance. It is of the utmost interest in this connection that the Italian liberals were an outstanding exception. The twenty years and more under fascism had sharpened their liberal and democratic faith into a fighting movement. They found it easier to fight and die, having learned once again the meaning of their democratic and libertarian values.

The Socialists fought in the resistance, but in most areas they were out-maneuvered by the Communists. The latter consolidated themselves among some of those elements of the population which had previously provided support to the Socialists. Many Socialists seem to have believed that by preserving lives they preserved potential political strength; the Communists followed a principle perhaps better adapted to harsh and exacting times: that political strength may be gained by losing lives. These observations are of a purely factual character, and are not intended in the slightest degree as critical of those who decided in favor of safer forms of resistance, or even in favor of no resistance at all. It should also be stressed that this is a comparative judgment. Next to the Communists perhaps the Socialists have the most impressive lists of martyrs and heroes.

The problem of political militance goes to the very root of the political difficulties of our time. Communists are typically recruited to their organizations on the basis of an unequivocal subordination of individual and private values to the aims of

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the organization. The Communist is a political soldier; and Communist parties are typically "cadre parties" made up almost entirely of activists. The moderate Socialist or liberal by his very political beliefs is committed to many values, and rejects the claims of any political group or party which reaches out for his whole person and soul. Just as it has always been easier for the warrior to die than for the civilian, so is it easier for the Communist to die than for the Socialist or liberal.

The left religious movements were those which had been animated by the social gospel in which the dignity and brotherhood of man took precedence over the vested interests of religion as a worldly institution. These groups had a fighting faith which led them into the resistance with a militancy and strength out of proportion to their numbers. They provided the kernel around which the Vatican has constructed its post-war policy of offsetting the gains of communism through the development of broad-mass, somewhat left-oriented parties which could fill the vacuum left by the decline of the older right-wing and liberal groups.

Out of the decline of liberalism in the pre-war period came the fascist dictatorships and the underground movements. Out of the collapse of fascism and the victory of the underground movements came the typical three-party system of post-war western Europe; but substantial evidence already indicates the instability of this constellation. In Italy and France the threat of the Communist parties has resulted in the reëmergence of right-wing formations, and the further erosion of the strength of the moderate Socialist parties. Only in Germany (among the larger nations of western Europe) have the Socialists demonstrated strength and stability.

While the factors which affect European politics are numerous and varied in character, the most important consideration is the simple truth that the old nations of the European continent are not the real masters of their fate. Power has deserted most of the old political strongholds of the continent of Europe and is now concentrated on the periphery—in Russia, the United States and Great Britain, and in a different way in the Vatican.

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Within the party systems of Europe today there are two elements which have the strength which comes from powerful external support: the Communist and Christian (primarily Catholic) parties.

The potentialities of the Communist and Christian movements in western Europe can be understood only in terms of the resistance background out of which they emerged. The Communist parties came out of the resistance characterized by two primary policy trends: patriotism and moderation. They had won great esteem by their courage and sacrifices. They basked in the prestige of Russian military heroism and success. In the immediate post-liberation period they set aside revolutionary aims and favored limited objectives and collaboration with other parties. It was a repetition of the " popular front " tactic but on an even greater scale.

The Communists won their impressive electoral gains in the post-occupation period on the basis of these policies and influences, and because of their solid organizational achievements during the occupation. The retention of this impressive electoral support probably is dependent on the continuance of these general conditions. This should be understood not only as a limiting factor on the policies and tactics of the Communist parties of western Europe, but as a restraining influence on Russian foreign policy as well.

If, for example, Russia should insist that the French Communist Party adopt the Russian policy toward Germany, there can be little doubt that this would be accomplished only at the cost of a portion of the French Communist vote. Similarly, if Russian policy should require of the French Communists an internal revolutionary program of crippling political and economic action, there can be little doubt that they would lose a substantial portion of their post-occupation " fat ". However stable and rigidly disciplined the Communist parties may be, " shifts in the party line " in the past have been like " cracks of the whip " throwing off the " weaker " elements. The Communist parties of today are swollen with success; their vast numbers of new members have not been subjected to exacting tests.

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From the Russian point of view the mass Communist parties of western Europe cannot be viewed as simple vehicles of Soviet foreign policy. If they are to continue as mass parties they must be accorded a certain independence; they may not move against strong currents of national opinion without weakening their own support. They suffer the fate of all mass parties which is to sacrifice clarity of aim and swiftness of movement in the interest of preserving the unity of a heterogeneous electoral group.

The "Communist danger" of western Europe, as it is commonly assessed in the United States, springs from two assumptions. First, there is the impressive size of the post-war Communist parties; and, second, there is the widespread conviction that their present policy of moderation is purely tactical in character. What has not been sufficiently stressed is the probable dependence of their size on the continuation of the tactic. The reversion of the Communist parties to revolutionary programs and to simple instruments of Soviet foreign policy would very likely mean a substantial loss of strength among the new party members and sympathizers.

This is illustrated by the fate of the French Communist Party in 1939, and more recently in the experience of the German Communist Party in the western zones and in Berlin. Russia was confronted by an extremely difficult problem in this area. There is evidence that the German Communist Party could have made impressive gains had Russia followed a less drastic territorial and reparations policy. This could have been accomplished, however, only by alienating support in the states bordering on Germany, thereby weakening the Communist parties in these areas, and foregoing the advantages of the industrial removals and territorial shifts in eastern Germany. Russia appears to have resolved this conflict by permitting the Communist parties of the bordering countries to adapt themselves to national opinion, while she herself follows an "independent" policy designed to avoid a further alienation of German public opinion; but she has not been able to avoid a serious weakening of her position in Germany.

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The size and character of the Christian parties of western Europe are similarly deceptive. The emergence of Russia as the dominant Power of Europe, and the great expansion of the various national Communist parties, provided the threat necessary to produce these coalitions of Catholic and Protestant, conservative and progressive elements. Because of their special activity in the resistance the progressive groups took the leadership in the early period. The Church regained its influence over the rank and file of the Christian party voters soon after the liberation, and has been able to "contain" the "Socialist humanism" [39] of the left wing. These parties may perhaps be best understood if it is recognized that they have two leaderships—one open and one more or less concealed. The open leadership is to a considerable measure progressive in tendency on social and economic questions (educational policy aside); but its freedom of action is seriously limited by the conservative lay elements and influential groups among the clergy.

The recent experiences of France and Italy illustrate these points. The composition of the Christian parties consequently limits the possible uses which may be made of them. If they move too far left they may lose their right wings to the unambiguously conservative parties. If they go right they may lose their left wings through the formation of Catholic left parties as in Germany, or through the loss of votes to the moderate leftist groups.

These factors have the effect of holding the Communist and Christian parties to a relatively moderate course. If this is somewhat more reassuring than the casual impressions gained from reading election returns, it would be misleading to minimize the grave tensions and rigidities of western European politics. The trend of the electorates in France and Italy to the extreme left and extreme right does not point in the direction of a genuine European pacification, to say nothing of a stable democratization.

[39] See Alfred Spire, *op. cit.*, for a history of the French Catholic and Protestant "left"; on the new German *Zentrum* see Helene Wessel, *The Way of German Democracy* (Dortmund, 1946); Karl Spiecker, "Das neue Zentrum", *Tagesspiegel*, Berlin, Sept. 19, 1946.

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The problems of American foreign policy in western Europe are defined by this threatening bipolarization. The direction and method of our policy will be quickly reflected in Europe's party system and election returns. The task of instrumenting the American goals of pacification and democratization in a threateningly bipolar Europe, and adapting these objectives not only to the general issue but to the special problems of individual countries, calls for a clarity of aim and a resoluteness of will rarely attained in American democracy at peace. But the challenge of achieving a genuine pacification of Europe must appear so compelling and its alternative so tragic, that perhaps the very gravity of the problem will induce in the policy-makers that capacity for perspective, resolution and responsibility which is the mark of consecrated statesmanship.*

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HUGO GROTIUS AND THE SOCIAL SCIENCES

TO commemorate a great scholar and his work does not mean to dust off a statue in the museum of cultural history. Rather is it the student's duty to see to it that the images of scholarship are reinterpreted again and again, in order to preserve the perpetual presence of the living spirit. Such reconsideration of the past makes it possible to examine the active forces in our own scientific efforts.

The social scientist who wishes to contribute to such a reëxamination of the work of Hugo Grotius and to justify his own intrusion into the domain of jurisprudence feels inclined to begin with a famous quotation. This old saying goes: "Boys read Terence one way, Grotius another way." The social scientist may even expand the statement by adding that the readers of Grotius have understood him differently in different periods. It is the variety of these interpretations which permits the social scientist to add his understanding of the great jurist's achievement, as a modest contribution to the comprehensive character of Grotius and to the origin of the social sciences.

We are accustomed to identify the name of Grotius with his *Law of War and Peace*. Actually, the man exercised a much wider influence by his book on Dutch jurisprudence, still in use in English law schools, by his theological and exegetic writings, and by his religious poetry, which was dear to Milton. Nevertheless, the social scientist will necessarily restrict his consideration to Grotius' most famous book which has exercised a powerful influence in the rise of the social sciences.

As a result of this book and of the Thirty Years' War, the Elector of the Palatinate established a chair of Natural Law and the Law of Nations at Heidelberg in 1661. He called Pufendorf to teach this subject. Pufendorf believed himself the true successor to Grotius, whom he had called "the founder of natural law". The formula should indicate that Grotius had

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succeeded in separating the study of moral and social norms from the religious sphere and in establishing a secular science of social behavior. It is remarkable that Pufendorf, still close to Grotius' influence, distorts the meaning of the master's work. He attributes a merit to Grotius that belongs to Hobbes, whose anthropological theories were shared by Pufendorf. This misinterpretation, however, had both a positive and negative effect. The negative result was the never-ending repetition of Pufendorf's thesis that Grotius had succeeded in secularizing natural law. The positive consequence was that Pufendorf introduced Grotius' *Law of War and Peace* as a textbook in the classes on natural law. Many rulers followed the example set by the ruler of Heidelberg. Chairs of natural law were established in the Protestant countries, and the professors, imitating Pufendorf, introduced Grotius' book as required reading. Thus it became a stimulus to the rise of liberal and social thinking. In the reformed Scottish universities, the treatise had suggested the organization of the required courses in moral philosophy as natural theology, natural law, ethics and politics. Adam Smith gratefully recognized his indebtedness to Grotius. In France, Grotius was still a living force to Montesquieu and to some authors of the *Encyclopédie*.

During the nineteenth century, the book was restricted to the law schools. It is difficult for us to hear the overtones of deep satisfaction in the statement of the Napoleon of historicism, Hegel, when he wrote: "Nobody reads it any more." In the hands of students of constitutional and international law the older comprehensive frame of reference was slowly vanishing. The specialized and positive jurists began to complain of puristic deficiencies, of a relapse as compared to Althusius, and of the ambiguity of Grotius' legal and sociological concepts. In particular, after the end of the First World War the students of international law believed that they had found a description of international institutions in the treatise. In 1946, after the shock of the Second World War, and equipped with more articulate tools, as formal and interpretive sociologies, gestalt-psychology, and phenomenology, the social scientist reopens the book and reads the title: *On the Law of War and Peace, three*

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books in which the Law of Nature and of Nations and the principles of constitutional law are explained. Obviously, Grotius has written a book on natural law with the emphasis on the legalization of war.

The social scientist is primarily concerned with that aspect of the book which was lost in the epoch of historicism, all the more when he sees his own task as that of reëstablishing natural law with the tools of modern science and philosophy. Purposely he must exclude the topics which the jurist and the political scientist will emphasize. He has to neglect the theory of sovereignty, the classification of just and unjust wars, and the elaborate systematization of the rules of military action in their positive legal connotation.

The social scientist will refer to the interpretation which Grotius himself has presented as to the unique character of the book and its meaning for his time. Grotius insists on the novelty and keenness of his enterprise. His is not a theoretical but a practical concern. He endeavors to give a thorough and catholic presentation of the patterns and attitudes of man in society as a handbook for the intelligent ruler and statesman. His work is supposed to be a clarification and systematization of a plurality of legal, moral and theological ways of dealing with human nature. He reproaches the juristic theologians and the theological moralists with having confused the different spheres of the law and with not having distinguished the sequence and order of norms which establish rights and obligations. They have made the mistake, according to Grotius, of having used the positive laws of the state to establish sweeping generalizations and precarious systems. They have failed to see the arbitrary and specific character of most laws which are established by the body politic. On the other hand, they have neglected the tremendous material which history offers to the scholar engaged in the study of the constancy of man in the variety of his historical guises. Grotius will use his encyclopedic, historical and juristic knowledge to avoid their mistakes. He will rediscover the potential "common sense of mankind" as the enduring sympathetic consciousness of the inner normativity of human nature whatever may be the changing conditions in time

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and space. He will help to preserve it by illuminating the minds of rulers and ruled.

For this reason Grotius regards it as his accomplishment to have founded the *ars naturalis et perpetuae jurisprudentiae,* connecting the tradition of moral and spiritual values with the new scientific methods. This is a scientific discipline which has detached itself both from the theological frame of reference and from the arbitrary laws of the state. He calls his enterprise "the most urgent and noble"; it is noble because it is a system of universal jurisprudence which will be the indispensable instrument to all rulers in their efforts to extend progressively the rule of law and to limit the sphere of human insecurity. As such it will enlighten the statesmen and will help to raise the standards of the whole society. He knows that his system is not yet perfect. He humbly admits that he has only laid the foundations upon which future generations might construct a perfect edifice. He has worked out a first draft of a social system for our better understanding of the social forces and human motives which make for the duration and continuity of society at large on the different planes of living. His effort is noble, because he offers an intellectual guide to all men who wish to understand the constructive and destructive forces of human nature and the ability of sympathetic human intelligence to know the divine laws and lead men to loftier moral standards and a more perfect social order. The work seems to him noble because it presents the variety of rational and sympathetic experiences so that man may understand that he is still—in spite of the cruelty and wickedness in which life involves him—the animal dearest to God.

The book seems to Grotius urgent as a response to the alarming situation of the times. He does not restrict his complaints to the savagery of warfare, although he could already imagine that the Great War would compete with those of the past in lawlessness and barbarism. He sees a spirit of revolution spreading to all fields of thought and action. His is the vision of a basically revolutionary period. He had experienced a special variant of the general revolution as a member of the federal and patrician party in the Netherlands that was swept

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away by the coöperation between the popular party and the executive. They had erected a centralized sovereign state that was virtually the dicatorship of Moritz of Oranien. Grotius had been jailed and, after his escape, exiled. As an exile he visualized the universal state of revolution. As he saw it, the political revolution and civil wars were a logical outcome of the religious revolutions of the Reformation. Although he belonged to the most liberal group of Protestants, he was deeply worried about the final result of the destruction of the universal Church. Everywhere he observed a growing irrationalism and an intellectual defeatism. He was keenly aware of the growing intellectual, moral and social insecurity and the impact of brute power and coercion which were everywhere undermining the sense of right and justice, in conquerors and conquered, in rulers and ruled, alike. Might was prior to right. Right was a tool of expediency according to the advantages of the respective parties. This element of the Macchiavellian *raison d'être* was one aspect of the universal nihilism that threatened to destroy civilization at its roots: the roots Grotius held to be classical *logos* and Christian spirit.

Explicitly, Grotius wrote his treatise against this trend of his times. He hoped that it would help to stem the tide of violent and irrational lawlessness in thought and action. It was his experience that all things become uncertain the moment they depart from law. He desired to reawaken the sense of legality and morality by inducing men to reconsider the basic intelligibility of the requirements of the social *ethos*. But he was fully aware that even the most perfect state of law is never completely safe. "Human nature exists under such conditions that complete security is never guaranteed to us. For protection against uncertain fears we must rely on Divine Providence, and on a wariness free from reproach, not on force."

Although the book is primarily directed against the negative aspects of his times, it is allied to the constructive thinking of the period. Like the great liberals of the nineteenth century, Burke and Tocqueville, Grotius strives to go beyond the alternatives of the hidebound conservative or progressive. In the tradition of Erasmus' humanism, Grotius will remain true to

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past values and reformulate them in terms of modern thinking. He is in agreement with Macchiavelli that nobody has a claim to the Holy Roman Empire of the Middle Ages. The sovereign states he accepts as a matter of course; and he grimly admits the Macchiavellian truth that one has to disguise virtues as advantageous in order to sell them to the rulers.

He is too deeply imbued with the moral spiritualism of the Arminians not to reject the idea of a monopolistic church as a universal power. He believes, however, that the destructive effects of the various revolutions can be checked. He is firmly convinced that it is possible to reëstablish the unity of modern civilization; for it is possible to demonstrate the inner rationality of the social and religious bonds which hold together human civilization.

Grotius' whole work is based on an implicit presupposition. In times when ecclesiastical institutions are absorbed in the vested interests of conflicting churches, the laymen, in particular the jurists and the statesmen, have to shoulder the responsibilities for the survival of the spirit. They have to see to it that religion remains a working principle in everyday life. Thus it will be possible to reëstablish justice and peace. As an exiled statesman and a jurist, Grotius raised his voice for a reunited mankind. He had passed through the Dutch revolution and had observed the revolutionary tension in Richelieu's France, still trembling with the unbroken spirit of Protestant and feudal oppositions. It was this very detachment from subjective interests that enabled him to visualize a Western civilization unified by enlightened common sense and a religious spirit of solidarity. "Such association binding together the human race is in need of law." Grotius is convinced that this vision can become true when established in legal institutions which are in harmony with the requirements of common sense and of religion, as manifest in the all-pervading natural law.

We cannot fully understand the *Law of War and Peace* without having taken into consideration the living interdependence of law and religion in the thinking of Grotius. For this reason it is wise to analyze the book, not as an isolated piece of legal

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and moral systematization, but as the scientific instrument designed to transform a vision into a reality.

All his theological and exegetic writings serve the same purpose. He intends that they should be instrumental in actualizing his vision of a reunified world. They should provide the scientific means which would enlighten the conflicting denominations and teach the educated laity as to their fundamental unity in truth and spirit. In contrast to Herbert of Cherbury's philosophy of natural deism, Grotius' exegetic books point toward a "natural Christianism". This independent attitude is a pioneering effort toward preserving the fundamentals of tradition in the light of scientific reason. In this Grotius is much closer to Catholic and Socinian rationalisms than to Calvinistic and Lutheran theories. His scientific spirit—Ernesti has called him the ancestor of the higher criticism—even forced him to practice a theory of parsimony with regard to verbal inspiration that was critical as to this central element of the Protestant dogma. This rational and critical thought pervades all his theological writings and his understanding of the miracles of resurrection and of the cult. He does not question their truth because they have been believed by intelligent and educated people, who were never swept away by emotions, keeping them always under control of their reason. He comes to the conclusion that the fundamental verities of Christianity are intelligible through reason, simple and evident as is the truth of all basic things. These verities can be experienced and practiced everywhere by the common people when they are educated to be "common-sense people".

This is Grotius' main concern: the *Res Christiana,* the devotion to the loving God of creation and to the Supreme Judge of our conduct in the practice of the spirit of solidarity in Christ. *Res Christiana* is the Gospel as a living force and as a standard to which conduct is referred. According to Grotius, the experienced and practiced religion of the laity is the very power which can reëstablish unity, peace and justice in a revolutionary situation. The affinity of this attitude to Erasmus' spiritual pragmatism is conspicuous. It makes Grotius seem to be ambivalently poised between a rational theism and a Christian

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spiritualism. In spite of his emphasis on Christ's mandate and on the higher plane of the norms of the Gospel, his ideas on the religious requirements of human nature are close to a natural theism.

True religion, as common to all ages, rests upon four principles: the oneness of God, His transcendence, His concern about men as Father and Judge, and His being Creator. These four ideas are born with us and brought out by reasoning. They are universal and necessary to the preservation of religion. All other ideas are acquired by tradition. Grotius had the courage to formulate his religious position as lying athwart the Christian theologies and the deistic dogmatisms.

Grotius' subjective venture in religion has led to misleading interpretations with regard to his fundamental attitude. This is, in particular, the case with the passage in which Grotius stated the autonomy of natural law which is valid *etsi daretur no Deus*. Scholars who knew better, like Gierke and Dilthey, saw in this statement full evidence of Grotius' secularization of natural law. This was to these distinguished scholars an indication of his "progressive" and "modern" attitude. This interpretation, however, is erroneous. It does not mean the separation of the moral from the divine sphere. It is true, indeed, that natural law is intelligible to human reason (*ab intrinseco-ex ratione*). We are able to understand the social constitution by intelligent reasoning without taking refuge in divine inspiration. However, this autonomy is relative to the universe of divine creation which is intelligible and rational in itself and has made right reason in man a reflex of His own intelligence. God remains the guarantor of natural law.

There is nothing revolutionary and secular in this statement. It is a scholastic commonplace, frequently used in the struggle against the radical voluntarism that prevailed among the nominalists. Why does Grotius join the scholastics in this matter while, in general, sharing in the Protestant resentment against Catholic theological philosophers? He rejects the radical voluntarism as disastrous to the ideas of right and justice. He opposes Macchiavelli and Luther alike because of their anti-rational attitudes. Yet this does not mean a romantic Catholicism. It

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expresses the conviction that the very essence of God the Creator can only be reason. Hence justice exists because it is an attribute of His very being, not because He has decided so in His sovereign will. Leibnitz has best formulated Grotius' position when rejecting Pufendorf's nominalistic theory of law. "Right is not right because God has willed it, but because God is just."

All the way through, Grotius refers to God as the Supreme Judge beyond all legal institutions and sanctions. His eternal presence supports and strengthens the obligations of natural law and raises them to the higher plane of the norms of the Gospel. All these considerations point to the fact that Grotius' position is anything but deistic or rationalistic. It is a general mistake of modern interpreters to overlook the value connotations implied in all scientific conceptions and to disregard their frame of reference. Newton, Swamerdam and Grotius were still able to speak of science and reason as the wonderful instruments through which we participate in God's creative reason.

It is not accidental that Grotius' Christian position coincides with the Neo-Stoicism which was fashionable in his times. The modern Stoicism meant the immanence of divinity as creative reason in the world of nature and of society. Grotius refers in most of his fundamental theses to Seneca, to Marcus Aurelius, and to the Cicero of the *De Officiis* and *De Legibus*. The last recur throughout the book, in the general trend of Grotius' thinking without explicit quotations. Grotius is even eager to support the higher values of the Gospel by adding references to Cicero, Seneca and Marcus Aurelius so as to make clear the fundamental humaneness of mankind when completely illuminated and enlightened by the unity of *logos* and *caritas*. It is possible to label Grotius' position as Christian Stoicism. There is God the Creator, a Divine Reason, but He is real and working in the universe of nature and of society. It has been one of the functions of Stoicism in the rise of modernity to reconcile the philosophical and legal rationalisms of the secular world with the spirit of the Christian religion. This was a humanistic device which permitted one to remain true to the religious traditions and yet preserve the intellectual integrity of the modern scholar.

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Grotius' religious and philosophical attitude merges in his legal ideals. Their synthesis is to be found in the book *On the Law of War and Peace* which is an analysis of the inner structure of the social universe. Grotius was educated in the traditions of Roman law. Roman law was largely composed of that *jus gentium* which jurists had elaborated by a comparison of the laws of many states and which they identified with natural law as the general consent of enlightened and educated man. This Roman law was as emancipated from the "written reason" (*ratio scripta*) of the traditional Roman law as was Grotius' spiritualism from the tradition of the Roman, and from the authority of the Protestant churches. This renascent Roman law is based on reason, the potential rationality of mankind, however conditioned in time and space. As to its philosophical frame of reference, it follows traditions of Roman Stoicism which is essentially the pantheism of reason.

What is still more important for the understanding of Grotius is the fact that the jurists of the Renaissance had brought a spirit of "humane interpretation" into the exegesis of law, that is, a comprehensive consideration of the circumstances of every case. This pattern remained normative for Grotius' procedure. Grotius did rely on the conceptual frame of the *Corpus Iuris* when he elaborated the rules of groups and constructed a natural system of social institutions. The Roman jurists conceived of legal relationships in terms of relations between individuals. They recognized mutual relationships between individuals, either equals or unequals, as the center of societal relationships. The notion of socius, basic in sociology, is actually a conception of Roman law. The Romans regarded all fundamental concepts as referring to the original reciprocity among socii. They did not consider the collective person as a specific concept. They could describe it only as a sum total of individual relationships. This limitation implied a positive insight which has become highly relevant in the rise of formal sociology and of those conceptions of interpretive sociology which are very close to formal sociology such as Max Weber's in the first chapter of *Wirtschaft und Gesellschaft*. This insight made it possible to understand societal relationships and

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social institutions in terms of a variety of mutual relationships of give and take, of superiority and subordination, of sympathetic power and the need for protection, of kindness and sternness. Following the Roman pattern, the reality of natural law means to Grotius the rationality of human purposes and the intelligibility of social values as evident in social action. Grotius was convinced that the enlightened knowledge of natural law as the working of human nature reveals the teleology of social existence and clarifies the elements which make for the continuity and duration of the basic social constitution.

For this reason the *Law of War and Peace* is a comprehensive study of natural law which presents a systematization of societal relationships in the diverse patterns of social action and on the diverse planes of living. Within this frame, international relations and political institutions have specific functions which do not admit any kind of absolute autonomy of the social spheres as emancipated from the common ground of the merging processes of logos and spirit.

Grotius frequently remarks that natural law should not be confounded with national customs or with the norms and the divine voluntary law. These rules are established by acts of will, human and divine. They are open to arbitrary decisions and to specific circumstances. Natural law, however, results from and is the manifestation of human nature as innate right reason (*qua recta ratio insita*). This inner rationality appears already as a tendency in the need for society. It is the characteristic trait of the human animal. Usually, the text of this important passage is not fully quoted. Grotius explicitly describes the kind of society for which human beings long. Man desires social life "not of any and every sort, but peaceful and organized according to the measure of his intelligence, with those who are of his kind. The Stoics called this trend sociableness." This is the fundamental thesis of the book. Human nature instinctively points toward peace—its very *telos*. Grotius has added the limitation in order to show that, because of the character of human reason, no perfect and absolute peace is possible in human affairs. This should not be confused with Augustine's radical dualism between celestial and terrestrial

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peace. The whole book, in particular the third part, points out that men are capable of establishing human peace when following the rules of natural law. Peace and tranquillity are regulative ideas inherent in human nature. The idea of peace is the core of the book. War is a substitute when institutions of law are lacking and an instrument of legal action for the reëstablishment of justice among nations.

Mutuality is the primary datum of human life, as life in society. Grotius describes this basic societal relationship as composed of two elements—mutual needs and mutual sympathies. Man is an imperfect being, in need of coöperation and overflowing with sympathy. Grotius refers twice to the bond of spontaneous sympathy as a bent of human nature which establishes friendship and communion among men and states in the common devotion to social and moral goods. Natural sympathy should make it impossible that men misuse the lives of other men as means to their own ends, Grotius states in an almost Kantian formulation. This original sociableness of man must be maintained and secured in order to make possible the continuity of society. The maintenance of society *(custodia societatis)* is the one source of law. It springs from the social nature of man and is hence called natural law. The principles of natural law are in themselves manifest and clear. Grotius distinguishes between general and evident principles and inferences. A general principle is that one must live honorably or according to reason. Evident is the principle that one is not allowed to seize another's property. Inferences can be evident and non-evident. It is evident that, granted marriage, we cannot admit adultery. It is not evident that vengeance is wicked if satisfied at the price of another's pain. Anticipating Spinoza's famous formula, Grotius speaks of these principles as certain and intelligible as are mathematical axioms.

Natural law works in man through the antagonistic tendencies of his being. Grotius distinguishes between the social and the humane branches of natural law. He repeats the classical theory that all animals strive to preserve their constitution. Men strive for the preservation of life, self and property. Natural law, as concerned with the needs of the individual in society,

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is law in the strict sense of the term. It refers to the establishment of the security of man in his relations to his fellow-socius. It is restrictive law that prescribes not to hurt and to abstain from foreign property. It gives the individual security in his own domain and recognizes the rights of the individual as qualities of the moral person which can be enforced by the established courts. The reciprocity of right and obligation makes the contract the original mode of legal relationships. It implies the central norm of the social law that contracts must be kept. Socii realize that mutual relations as expressed in a variety of agreements must be based on good faith. There cannot be any consensus without good faith. Consensus does presuppose a common purpose, a common affirmation of the purpose or end, and the common will to coöperate in its fulfillment. It is the foundation of all legal and social relationships. It implies good faith, as the will to remain true to the hypotheses of social action. Good faith means more than following the rules of the game. It implies the connotation that truth is the *sine qua non* of social tranquillity and security.

Indicative of Grotius' intention to give a comprehensive analysis of the social phenomenon is the fact that he reconsiders social attitudes which seem to be at variance with good faith. He examines under what conditions pretense and falsehood are compatible with morality and justice. Grotius mentions six types of falsehood that are permissible because they are morally constructive. For the teacher it is permissible to use fiction and falsehood in order to adjust to the limited understanding of his pupils. Irony and esoteric suggestion are allowed in a conversation with people familiar with this mode of communication. If a third person is deceived, it is no wrong. Physicians are entitled to deceive a sick person in order to comfort him. Friends are permitted to lie when they can raise the low spirit of friends in despair and depression. The officer can distort facts and manipulate news in order to strengthen courage and raise the morale of the military and civilian population. We can tell a lie when this is the only way to save the lives of innocent persons or prevent a crime. Rulers and men of authority can lie when it is to the benefit of their subjects or used as device for

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the discovery of the truth. In this survey Grotius gives a truly socio-psychological analysis of social conditions under which specific attitudes may possess a positive moral justification while in a general system of ethics they are incompatible with moral standards. The description of these patterns of conduct implies a relativistic transformation of the absolute system of ethics. What is good and moral depends on the requirements of specific structures or situations.

Grotius speaks of the rôle of social consensus in collective bodies as compared with the moral choice of the individual. He distinguishes between associations of equals and the subjection of inferiors to their superiors. Their agreements of mutuality and subjection become the sources of civil law, that is historical and individual in all cases. The basic types of grouping, however, correspond to natural requirements. They present patterns which are, according to Grotius, so fundamental that they have their parallel in various types of government. Such types of control as the natural relations between parents and children, husband and wife, guardian and ward, master and servant recur in different types of government. Here we see the influence of the study of Roman law upon Grotius' thinking. All legal conceptions refer to the basic types of societal relationships which constitute the social branch of natural law. To Grotius, legal and sociological categories are identical. As a branch of natural law, social law is restricting and refers to expletive justice. When enforced by the state, it becomes a branch of natural law. Rights, however, can be established only when they give man something which he recognizes as his own. However, they should never be arbitrary and those who dispense them should be guided by a wise consideration of all claims existing in the circumstances.

This leads to the second and larger branch of natural law, that which refers to the moral and humane requirements of society. It deals with the stratification of society and with the norms of justice which give every man what is due to him, what is inherent in every man as a potential right. But it is not law in the strict sense because it cannot be enforced. This most comprehensive branch of natural law varies with the cir-

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cumstances, and it frequently occurs that our exercise of it must override existing legal rights and bring about a new division of power. The interaction of law proper and the dynamic right of justice continuously joins the moral and humane requirements of society with the institutions of statutory law. According to Grotius, the tranquillity and concord of society rest upon the reality of moral duties which are the ground for legislative interference. Grotius devotes much effort to the clarification of the interaction between established laws and the moral requirements which are the recognized values of peace and concord. According to Grotius, the constitution of society is founded on the inseparable unity of moral duties and legal norms as inherent in the nature of man. Law is a mode of the Good.

Grotius distinguishes carefully between law proper and natural law at large which includes a hierarchy of duties having larger claims upon us, under certain conditions, than our rights and privileges, which are supported by law and custom. Even if we are not hindered from enjoying those privileges, they may deviate from the rule of right. Hence we are called to renounce them in the name of superior requirements. For the dynamics of natural law comprehends the various spheres of law which extend from legality to morality, from things permissible to things good and better. There is a law of charity in natural law which was the common property of the pagan world as manifested in Cicero and Seneca. This humanitarianism of natural law, finally, coincides with the norms of the Gospel. Grotius intends to show the universality of human sympathies and of common sense as the rational normativities of human nature.

Human nature has such a wide range of potentialities that it is capable of value—attitudes so clearly and distinctly moral as to surpass and supersede the strict laws of natural law. Men have a sense of shame and modesty indicating a regard for what is more just and better than the requirements of law proper. There is a sense of honor, springing from spontaneous sympathy which is associated with justice in legal matters like bequests in

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trusts. There are many duties which are not in the domain of law proper, but in that of value-attitudes which illuminate and make intelligible our obligations on the higher plane of existence, but still within the orbit of the natural law. Many things are required by kindness, generosity, love of country, kinship with all men (including enemies) which supersede the rules of law proper. "The rules of duty extend more widely than the rules of law." The former present a "logic of the heart" as intelligent and intelligible as are the rules of self-preservation. In these passages Grotius has implicitly stated that mutuality means two things: reciprocity between individuals and membership in a whole. This implicit definition of mutuality becomes evident when Grotius deals with the higher requirements involved in the relations between states.

Although Grotius has demonstrated most emphatically that war is only in very rare cases justified, he still considers it more upright and just to abandon one's right for the higher value of the all-embracing peace. Rulers are like fathers and will not easily decide to punish their sons or subjects and neighbors, except by dire necessity and in the name of the highest values of justice. Grotius goes so far as to assume circumstances which make it obligatory to refrain from the exercise of our own right by reason of the love and consideration which we owe to all men. He wishes to extend the area of international relations. However, he cannot imagine international institutions. He can only think of enlightening all nations so that they may become aware of the same right reason and of the same intelligent sympathies in all human beings in spite of differences in time and space. Such knowledge will establish the common sense of mankind that makes possible the consensus between states as expressed in international law. Because Grotius cannot conceive of international organs, he must apply what he calls his a posteriori method. He collects tremendous historical material from philosophers, historians, jurists, poets and rhetoricians in order to show that actually there is a universal common sense of educated and thoughtful people regarding the verities of social and human requirements. These verities are simple and self-evident.

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From his analysis of the potential rationality and intelligent sympathy of the human race, Grotius draws the following conclusions. If peace is the *telos* of social action, life is the primary value involved in its realization. Grotius recognizes that God has a higher claim on our lives than we have. He frequently states that life is the very locus and basis of all temporal and eternal goods which are given to us for constructive, not destructive, ends. In emergency cases he values life higher than the liberty of individuals and the state as an inexhaustible source of potential goods. This is not moral escapism; it is the humane wisdom of a man who has recognized the higher value of the whole and can yet not forget the potential richness of every human being. This *humanitas Grotiana* has become the climate opinion which has nurtured the idea of international affairs in the Anglo-Saxon countries. It has been one trend in American foreign policy since John Jay instructed George Washington in the principles of Grotius.

Peace is the *telos* of social action. War is a general sociological category comprehending private and public conflict as suggested by Seneca. It is defined as the condition of contending by force. It is permissible in situations in which legal administration is not available as in the case of surprise attacks by gangsters, thieves and pirates. In public relations war can be admitted as an emergency tool for reëstablishing justice, repairing damage or punishing aggressors. For Grotius, war is a marginal institution of justice, indispensable because there are no international courts and institutions of arbitration which could pass judgment on conflicts between states and enforce these decisions internationally. For Grotius, war is not the continuity of politics with the means of force. Rather is it a subordinate instrument of justice. Politics means to Grotius the continuously extending growth of legal institutions and their creative evolution in harmony with the new forces which arise in the social process again and again. It is the living spirit of justice in the reëxamination of legal establishments and the unending will to abolish wrong and injury done to the smallest minority. There is no security or freedom in the state except under the rule of law.

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Grotius has reproached Erasmus with being a utopian pacifist. He himself is close to a pacifistic attitude. He wrote to his brother: "But if Christian princes listened to my warnings, there would be no more war among them; they would prefer to abandon some of their rights or to choose upright arbitration." Grotius' pacifistic attitude is founded on his understanding of the humanitarian and cosmopolitan aspects of natural law. It proposes, even when questions of right and wrong are involved, not to go to war, not to revolt against usurpers, and not to make revolutions against unjust rulers. In this attitude rigid legal conceptions and spiritual and humanitarian concerns coincide. Human lives are so precious as to make it preferable to yield in order to avoid bloodshed and to strive to attain the desired end by wise and humane compromise. Grotius recognizes the right to resist rulers only when firmly established by constitutional law as in the seven cases which he mentions when dealing with the diverse types of constitution in the feudal state and in the *Ständestaat*. He affirms a right to revolution logically forfeited by the pact of subjection. Apart from that it is impossible for the ruled to search for the guilty men among the rulers and their advisers. This seems to Grotius a vicious circle because the social process is so complex and involved that it is almost impossible to establish certain responsibilities. Men have to rely on God as the Supreme Judge of rulers and people.

Grotius' recurrent emphasis on the moral aspect of natural law derives its force from the analysis of the state of nature and of its revolutionary transformation by the establishment of private ownership. In the state of liberty, things belonged to men in common. The primitive state rested on two principles: a simplicity of life and a comprehensive mutual affection among individuals. Both made it possible to preserve that way of life for a long time. But men are restless and strive for more perfect things. Hence the original state of communal life could be maintained only under hard natural conditions, as among the American Indians; or by religious communions like those of the Essenes, the early Christians, and monastic orders. The general bent of human nature moved toward knowledge,

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competition, and the enjoyment of more refined goods. This tendency slowly dissolved "natural communism" by separating the owners of large flocks from each other. There remained a limited communism of common pastures. Tribes and families proceeded with the organization of individual property by appropriating lands and wells. Grotius explains this process by the paradoxical character of human nature. Men as rational beings are never satisfied and strive for perfection. Hence they invent arts, crafts and industries. Their achievements increase their desires and raise ambition and avarice which make reason their servant. Desires and reason as destructive and constructive forces abolished the unity of the early communal life. Technical difficulties, such as the lack of transportation facilities, and moral deficiencies, such as the vanishing sense of solidarity, eliminated a fair distribution of labor and its products.

In these circumstances private ownership came into existence, but not as irrational violence and pressure of the powerful, in the sense described by Franz Oppenheimer. Grotius explains the process as a kind of agreement, that is, a rational compromise and settlement, in the form of division or occupation. Occupation at large takes place by a people, division as the distribution of the occupied whole among the members of the group.

According to Grotius, introducing private ownership has never completely submerged the ancient bonds of solidarity and of community of property. Grotius states that it was never the intention of the progressive innovators to destroy all remnants of communal liberties. On the contrary, their intention was to depart as little as possible from natural equity. For this reason it is not a religious norm to give to him who is in dire need. *Natural law prescribes* as a moral obligation to the society of owners of private property to see to it that established laws provide shelter and protection to those in need. "Things have been distributed to individual owners with a benign reservation in favor of the primitive right."

This frame of reference is fundamental to Grotius' universal jurisprudence. It enables him to speak of those communal rights which still obtain in the world of individual property. Natural equity requires a relative freedom of passage on land

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and sea, general freedom of emigration and migration, and common rights to things and acts. These rights remain norms of natural law and have a higher dignity than contradictory regulations by individual states. Among these rights Grotius considers the elements of freedom and social obligation in the economic sphere regarding prices, monopolies, profits, usury, and the freedom of buying and selling where and how. All such acts are permitted or vetoed, not as a special favor, but as rights deriving from the power of natural liberty which remains the lasting frame of reference of natural law.

This frame of reference is not supposed to be the image of the Golden Age. It presents the naïve and sympathetic rationality of the human animal. In times, enlightened by reason and illuminated by spirit, the frame of reference appears as the "common sense of mankind". It can become actual when natural law is commonly understood as a reflection of human nature making possible a world of human peace and of humane solidarity. Grotius' work serves the purpose to promote the growing enlightenment of human society in order to reëstablish the past solidarity as a reflected and understood unity of all mankind.

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A PLAN FOR THE STUDY OF BUSINESS THINKING

SINCE practical men of affairs have generally been accorded higher contemporary importance by Americans than have priests, philosophers, teachers or artists, our popular leaders have normally been politicians and business men. The writings of American historians reflect this pattern in so far as the politician is concerned, but, for many reasons, the historical image of the business men has been obscured. Business men have not left large collections of "public papers" deposited in libraries for perusal by graduate students; their debates have not been preserved in congressional records or legislative journals; their policies and beliefs were not broadcast for the benefit of constituents. They went quietly, often secretly, about their tasks. As Matthew Josephson says, they were men "who spoke little and did much" while politicians "did as little as possible and spoke all too much. The statesman and the captain of industry complement each other well: one talks, the other acts." [1]

But the public reticence of business leaders should not deceive us in considering the social importance of their thinking. American historians are beginning to realize that the central weakness in our historical synthesis is ignorance of the motivation and philosophies of these men of action, an ignorance extending not only to the intellectual nature of business men's activities but to any understanding of the psychology of the business leader as a special social type. These nineteenth-century entrepreneurs who were creating a new code of ethics outside of, if not opposed to, the Christian ideals, emphasizing time more insistently than anyone since the original creation, and practicing more rigorously than men of any previous age the self-denial of pleasures today in return for power and wealth

[1] Matthew Josephson, *The Politicos* (New York, 1938), p. vii.

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tomorrow, were conditioned differently than professional men of learning, expounders of religion, or aristocratic country gentlemen. Academic historians readily understand the nature of priests, of talkative politicians, and even of creative artists; but business men, men of action, and men of quick intuitive decisions and firm even ruthless execution are outside the scholar's world. The scholarly reaction to this situation has been the same as that of less educated people toward foreigners; instead of making special efforts to understand the alien business man, the historian has assumed a protective attitude of superiority and disdain for his ideas, until we are now confronted by the question: has the record of business thinking been forever lost through generations of neglect? Can we now discover the concepts, attitudes and motives of those men of action who shaped America to suit the needs of expanding industrialism? Can we recover the hard core of American intellectual development that has been buried beneath the self-justification of politicians, the exhortations of journalists, the system-building of philosophers, and the imaginings of literary men?

The remainder of this article is devoted to a plan to salvage some of this lost nucleus of our cultural history. A plan is necessary because the nature of the remains from which our material must be salvaged presents special difficulties. The business man did not write with a view to his historical position. He seldom set forth his ideas in printed speeches, articles or memoirs. His philosophies and attitudes must be recovered mainly in small bits, from thousands of letters and business memoranda. By methods different from those normally used by historians, the scholar himself must synthesize many isolated sentences and paragraphs into coherent systems of thought. One such method is to set up a comprehensive battery of questions to be asked of the material and to select a field of research small enough so that it can be sampled by a moderate number of systematically chosen case studies. By these means fragmentary data may be built into a coherent pattern on at least a semiscientific basis.

In beginning the analysis of the thinking of business men in this way it seemed best to choose an important group of busi-

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ness leaders with a representative group of problems; to cover a limited period, sufficiently in the past to avoid the difficulty that arises in trying to secure material reflecting or revealing current business operations; and to select an industry in which a considerable amount of confidential material is readily available. After some discussion with the Committee on Research in Economic History of the Social Science Research Council, of which Arthur H. Cole is Chairman, the thinking of railroad business men from 1840 to 1890, that is, from the beginning of extensive railroad operation to the virtual completion of the national trunk line systems, was selected for this trial analysis. Since we are particularly interested in ideas affecting the course of society, the area of research was further limited to those executives exercising control over general policies.

Many considerations led almost irresistibly to these choices. Railroad operators were the leading business men of the country in this period. They were dealing with the most important kinds of business problems: assuming unprecedented risks on investments in new construction, contending with extreme forms of cutthroat competition, and making unusually difficult decisions regarding the price of their product. During this period the railroads were the first large American industry to be "regulated" by both state and federal governments, to have great armies of stockholders and bondholders, and to be forced to deal with public relations and problems of community welfare. But, most important of all from the scholars' standpoint, significant railroad records are available in greater quantity than those of any other industry, and many of the present leaders of the industry are anxious to coöperate with the historian. Large collections of executive correspondence are available in libraries or company offices from Boston to Denver, making it possible to sample differences in attitude arising from regional factors and the competitive position of the enterprise. Railroad men testified at length before committees of Congress and most of the state legislatures. Often they were led to explain their motives to newspaper reporters. Their thinking is to an unusual degree mirrored in trade or business magazines. As Henry Adams said, "The generation between 1865 and 1895

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was already mortgaged to the railways, and no one knew it better than the generation itself." [2] If scholars cannot recover the thinking of this business group they are not likely to succeed elsewhere.

Having determined upon a logical field the next problem was: how to sample it? Possession of many of the necessary records by railroad companies, and the need for detailed knowledge of the business situation in analyzing business thought, both indicated selection of the top executives of a small number of companies, representative of both large and small roads in several geographic areas. The adequacy of such a sample cannot be estimated in advance. If a large quantity of evidence with a fair degree of uniformity results from the analysis of the thinking of a hundred or more executives of eight roads, the study may be completed on that basis; if not, the scope of the research must be broadened. Preliminary analysis, however, indicates the likelihood that a study of eight roads may be sufficient to document a number of widely held ideas.

The third and most important aspect of the plan was the setting up of categories or questions dictated by theoretical interests in advance of the investigation. In fact, the main purpose of this article is to emphasize the importance of a systematic theoretical approach for the analysis of such historical material. This method is far from new in the social sciences; it is employed by economists in testing theory, and sociologists in interview or questionnaire techniques, but it is relatively novel as applied to history. It becomes particularly useful where one wishes to relate thinking to its social environment or to test by the record of history the truth of a large body of theory, such as that of classic and neo-classic economics. By proper analysis it may be possible, for example, to discover something of the force of social tradition in business decisions, and inferentially in all types of decision, or to see whether theoretical concepts regarding the motivation of entrepreneurship were shared by the entrepreneurs themselves. But, as Burns and Mitchell remark in their *Measuring Business Cycles*: "Satisfactory tests cannot be made unless hypotheses have

[2] Henry Adams, *The Education of Henry Adams* (Boston, 1918), p. 240.

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been framed with an eye to testing . . . ." [3] The framing of comprehensive hypothetical questions and their systematic application to the data give form to otherwise disconnected observations. Not only do such questions classify what was thought, but they emphasize what was not thought; and they allow two or more investigators to assemble the data in a uniform way. An alleged danger in this technique is the imposition of existing theories upon material that might otherwise produce new ideas. But in practice the exact opposite may be true. A coherent theoretical approach, says Talcott Parsons in his *Structure of Social Action*,[4] emphasizes rather than conceals new factors incongruous to the pattern. Such an approach is certainly far more likely to underscore new data than one based on unsystematic or anecdotal selection of material which may not bear on any general problem. "The most reckless and treacherous of all theorists", wrote Alfred Marshall, "is he who professes to let facts and figures speak for themselves." [5]

Other aspects of the data of business thought, beside its fragmentary character, emphasize the value of a systematic as against an unplanned or "humanistic" approach. Business men's writing is not, in general, important from the literary or aesthetic standpoint; it is not something to be studied for its internal form or subtleties; it is, rather uniformly, material that gains its importance from its environmental setting. The litterateurs of the "flowering of New England" might be studied, as indeed they are in most books, without much regard for their sociological setting. But the thinking of the business man is important because it led to forceful action, and it must be studied in relation to specific situations and theories of action. A man like Charles Perkins, President of the Chicago, Burlington and Quincy, was not merely uttering a wise speculation regarding theory, he was stating the actual basis on which such events were to be managed on his road when he said, "Legally speaking, it may be true that railroads are bound to treat every-

[3] Arthur F. Burns and Wesley C. Mitchell, *Measuring Business Cycles* (New York, 1946), p. 4.

[4] New York and London, 1937.

[5] A. C. Pigou (editor), *Memorials of Alfred Marshall* (London, 1925), p. 168.

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body with absolute, perfect, and exact equality, but, as a matter of business, this must be taken to mean, so far as practicable." [6]

The aim of our categories is to ask questions regarding the thinking of nineteenth-century business leaders that will provide data for social scientists, philosophers or theologians interested in such matters as theories of economic and social activity, the rôle of the business elite and their attitudes toward other elites, and the effect of business on the growth of new mores and ethics. This original set of questions, based on theories that we wish to verify or elaborate rather than answers that we may be able to get, might be called an "ideal" framework. In the practical application of these questions the material will impose its own forms and problems. Some of the advance questions may prove to be less important than new ones which will emerge, others may have to be rephrased or eliminated as worthless. Yet, some questions that produce no answers must be retained. We may never find, for example, a clearly expressed concept of the nature of the business cycle, but this negative result is of primary importance. Theories may develop from use of the data and require the framing of new questions and the re-examination of the records, while the continual substitution of specific questions for general ones is a major part of the method. An initial question like "what was the executive's attitude toward government agencies and agents?" soon appears to be too generalized and has to be broken up into more specific ones, such as "what procedures should government employ in the formation of regulatory policies?" But questions on this level should, in turn, give way to still more precise ones as soon as the data indicate certain routine or typical ideas, the probably unattainable ideal being a crucial question so precise that the answer could always be "yes" or "no". In the last question quoted above, for instance, it may turn out that full hearings in advance of any regulatory action constitute the principal demand of executives. If so, the question might be revised as follows: "Did he regard full hearings as the best device to insure against unfair regulation? Yes ——, or No ——. If yes, under what conditions or qualifications; if no, what other

[6] 49 Cong., 1st Sess., *Senate Report* 46, vol. 1, p. 214.

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means were proposed?" Should many executives urge some other specific procedure, such as the formation of a railroad advisory committee, that, in turn, might be assigned a question.

The simple "yes" and "no" answers to standardized questions, which it must be added cannot cover more than a part of the material to be used, may then, as an experiment in method, be recorded on punch cards together with such other specific data as the size of the railroad being studied, the general nature of its traffic, its regional setting and its age; the social origin of the executive under consideration, his education, career pattern and age; and the date and circumstances of the particular statement. Using these cards it is possible to combine factors with each other in an almost infinite variety of ways and to run off elaborate cross tabulation in a few minutes. The principal value of such methods for the analysis of intellectual history appears to lie in the partial correlation of general attitudes, that is, intangible or qualitative data, with definite factual data. Did railroad executives over sixty, born and educated in New England, for example, have a different attitude toward organized labor than those under sixty born in the Middle West? The answers will have to show a high degree of uniformity to be convincing in the case of a "universe" of only fifty to a hundred men, but when other scholars have collected many hundreds of cases, perhaps drawn from different industries, the value of preparing codes and punch cards, which can be readily duplicated and exchanged, will be obvious.

This procedure for quantitative handling of data, which have heretofore been considered strictly qualitative, has been developed with great success in recent years by social psychologists such as C. Wright Mills of the Columbia University Bureau of Applied Social Research. The extent to which the most subtle problems or theories can be translated into simple precise questions having codable answers, that is, answers that can be entered on punch cards, will surprise scholars not familiar with this technique. In fact, experience has shown that this forced reduction of complex questions or propositions to simpler parts has been of great value in clarifying meanings and revising theories.

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The major topical headings under which questions for this railroad study will be grouped include: general business concepts regarding expansion, innovation, relations with competitors and customers, and reaction to external changes; ideas regarding the internal problems of corporate management including relations with labor and stockholders; attitudes regarding the external relations of companies to economic and social progress, government policy, and public opinion. Finally, questions are directed to the attitude of the executive as a private individual toward general problems of society: his ideas regarding education, religion, philanthropy, racial problems, politics, and social philosophies. Let us apply such categories to a statement like the following by Charles Perkins regarding opposition to government regulation of the road:

> I have not reached conclusions upon so important a question without the advice of the able and experienced business men who control the C., B. & Q. Board . . . . This [matter] . . . was approved by the Board as being sound political economy, and it must therefore be taken to be the view of the corporation, about which there ought to be no difference of opinion among those who are charged with the general conduct of its affairs.[7]

One finds it will answer simple questions under, at least, the three major headings: general attitude toward government, relations between management and directors, and emphasis on loyalty to company policy by lesser executives.

Regardless of the precise methods used, the important thing is that historical scholars should devote themselves to the problem of analyzing and synthesizing business thought. To a limited extent this is already happening. In addition to the business history studies of Harvard, and the forthcoming ones at Yale, New York University and undoubtedly other institutions, a number of historians are preparing scholarly biographies of business men. Richard C. Overton's study of Charles Perkins, as indicated by its tentative title, *The Mind of a Magnate*, will be directed explicitly to this problem of business thought. Irvin Wylie is making a general survey of the idea

[7] Charles Perkins to H. B. Stone, December 16, 1887, *Presidents' Letters* (Newberry Library, Chicago, Illinois), 18:169.

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of progress as held by business men in the latter nineteenth century, while Donald McMurray is recording the attitude of executives toward a particular series of labor difficulties on the Burlington road. When this large and varied crop of studies has matured, it will provide abundant material for a new understanding of American history. In these studies the entrepreneur will explain his motivation, a motivation which economic theory has assumed on a deductive basis. Here it will be possible to observe Social Darwinism in practical operation, not as seen through the writings of philosophers or journalists; to explain the bosses' side of labor relations, usually neglected in trade-union history; to set forth the ideas regarding government, which carried the force of "big money" support for political parties; and to examine the attitudes toward ethics that set limits to the moral domain of the church. Here, in short, will be American development as seen through the eyes of the most powerful men of action.

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PERSONNEL BOTTLENECK

A CASE STUDY OF WARTIME WASHINGTON

THE Surgeon General of the Army was confronted in the winter of 1943 with urgent problems of medical logistics that required for analysis and solution the assistance of skilled statistical personnel. The difficulties encountered in procuring this personnel were many and varied. The effective utilization of this specialist personnel likewise precipitated a host of difficulties. A review of this case experience has suggestive implications for personnel policy for war and peace.

The fall of 1943 found the Army Service Forces with more than 1,300,000 employees on its payroll. This made it by far the largest single employer in the history of the United States. The scope of its operations is suggested by the following personnel distribution by major function:

Storage and Issue	190,000
Hospitalization	155,000
Manufacturing	130,000
Repair and Utilities	120,000
Ports and Staging Areas	100,000
Security	70,000
Training	65,000
Procurement	65,000
Laundries	50,000
Construction	50,000
Induction Work	30,000
Laboratories	40,000
Post Supply and Service	75,000
Administration	98,000
Miscellaneous	105,000
	1,343,000

These data reveal much, but there are at least two significant facts which they obscure. In the first place, they fail to note

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that the Army Service Forces, although one of the three major commands of the Army (the others being the Army Air Forces and the Army Ground Forces), was primarily a civilian organization which, at peak, had more than 1,000,000 civilians on the payroll. Throughout the war the average ratio of civilians to military was approximately 2 to 1. The second fact worth mentioning is that, although "administration" accounted for approximately 7 per cent of the total personnel, less than 2.5 per cent (33,000) were stationed at Headquarters in Washington.

Although the Army Service Forces was a predominantly civilian organization, its management was not. Early in the war, the top command had considered the full-scale use of civilians in responsible posts, but had finally decided against it because time was too short for the military to learn new ways. It was found that khaki and tweed did not mix easily in an organization where responsibility was, of necessity, determined in relation to rank. The Army solved the problem by putting civilians whom it wanted into uniform. Only secretaries, clerks, and a stray technical expert remained without.

With mobilization there took place a rapid expansion not only of the Army in the field but also at Headquarters. The Chiefs of Technical Services—Ordnance, Quartermaster, Signal and the others—recruited personnel by the hundreds and the thousands in order to meet any emergency. Nobody likes to be caught short, least of all an Army officer. The summer of 1942 marked the end of this unparalleled expansion. The basic procurement programs were well launched, and the control agencies, such as the Bureau of the Budget and the Civil Service Commission, no longer hesitated to interfere. Even in the absence of specific action on their part, hiring would have been seriously impeded by the almost complete exhaustion of the available supply.

The new order found certain branches of the Army with personnel to spare, while others were in a tight position. Certain types of personnel were generally short. This was particularly true of statisticians. The vastly expanded functions of government had placed a premium on individuals with a

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flair for numbers. Large-scale administration could proceed only within a firm statistical framework. Donald Nelson recently pointed out that this truism was not appreciated in Washington. Nonetheless, statisticians were scarce.

In the summer of 1943, the President appointed a new Surgeon General of the Army. By fall, the Surgeon General knew that the big show—the invasion of Europe—was scheduled for the following spring and that only a little time was left to complete preparations. The country had been very liberal in making medical resources available to the armed forces, but not so liberal as to preclude the possibility of serious shortages if General Eisenhower were forced into a war of fixed positions or if a major offensive were mounted in the Pacific before we reached Berlin.

The Surgeon General considered it imperative, in this situation, to have a reëstimate made of his hospital facilities, medical personnel and prospective patient load. What is more, he desired to establish in his office a division charged with the responsibility for constantly reviewing the rapidly changing picture and, wherever possible, anticipating it. At a time when statisticians were exceedingly scarce, when no branch of the War Department would voluntarily release personnel, when the Army had established a self-denying ordinance which prohibited junior officers from serving in Washington, when civilian agencies were using every last ounce of pressure and persuasion to retain what staff Selective Service left them—at such a time the Surgeon General was under dire necessity to establish a statistical agency. The invasion would not wait; the correct answers had to be found in time.

This case study of how the problem was met will highlight several facets of a personnel dilemma that was common to many government agencies during the war. In the absence of a satisfactory solution, reliance had to be placed on various expedients, good, bad and indifferent.

The key personnel of the Facilities Utilization Branch, later renamed the Resources Analysis Division, Office of the Surgeon General, never exceeded four in number, but it required eight

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months—the crucial period immediately preceding and following the invasion—to secure this minimum. On the first of January 1944, the future Director was made available by the Office of the Commanding General, Army Service Forces, for a sixty- to ninety-day loan to set up the Branch. This loan was later changed to a permanent transfer. Shortly after the Branch was established, a second lieutenant with good statistical training was on leave in Washington in search of a position that would challenge him more than his current assignment where he was kept busy transporting recruits from one post to another. Despite the extreme shortage of statisticians, despite the willingness of his commanding officer to release him, the lieutenant could not be transferred without the express approval of the Deputy Chief of Staff who alone could make an exception to the ruling about junior officers' being stationed in Washington. Approval was finally secured but not before several valuable weeks were lost.

The need for additional specialized personnel was apparent, but strenuous efforts to beg, borrow or steal civilians or military, from within the War Department or without, met with no success. No agency was charged with the responsibility of allocating personnel according to need, at least no agency with adequate powers to operate efficiently. At a period when time was crucial, there was no substitute for long-drawn-out negotiations between prospective employers and employees. Within the Army, it was considered bad taste to suggest that an officer could serve elsewhere with greater efficiency.

Not until August was this impasse broken. A periodic upheaval in the War Production Board made it possible to secure the transfer of two competent statisticians. Despite the many drawbacks incident to employment at the War Production Board, the transfers were not easily arranged. Both prospects questioned the wisdom of accepting employment in the War Department. Their resistance was not overcome by an agreed-to raise in grade and, in one instance, a promise of a second raise several months later. They had heard that the military had little use for civilians and would not trust them on responsible

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work. There was much justice to this rumor, but the Director, himself a civilian, was able to meet this point. August saw General Eisenhower making good progress in Europe and the prospects raised the question whether, in the event of a cutback of personnel, civilians would not be the first to be dismissed. This belief had gained widespread prominence in civilian agencies. With the post-war employment policies of the War Department still undetermined, it was impossible to deny this presumption; yet there was no need to confirm it. These doubts were never resolved, but the pay raises and the obvious importance of the assignment stilled them. The transfers were effected but not before more valuable time had been lost.

The recruitment of the semiprofessional, clerical and secretarial personnel was less difficult, but far from easy. Early in the Division's history, manifold difficulties had been encountered in the effort to hire staff. This job could not be set up; that grade could not be approved; this individual could not be pried loose; and that individual did not have the proper educational prerequisites. The administrative agencies wanted to be helpful, but the Civil Service Commission was hopelessly understaffed and the Civilian Personnel Divisions within the War Department were also beyond their depth. Little progress was made until a senior officer on the Surgeon General's staff spent the larger part of an afternoon explaining to one of the Commissioners of the Civil Service Commission the urgency of the problem. Thereafter individuals were processed in record time.

This group numbered 21, of whom 7 were secretarial employees, 14 statistical. The previous employment of this group is tabulated below:

Surgeon General's Office	8
Other War Department Agencies	6
Other Federal Agencies	4
Private Industry	3
	21

Salary increases were a major lure—all but three received a grade raise at the time of transfer and several received a two-

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grade raise. In the absence of an efficient system of priorities control over personnel, each employer was forced back on competitive devices. The pre-war standards of pay had been wrecked early in the war and it was the better part of wisdom to recognize this fact. But the government was not being unduly exploited. Prices had risen; wages had risen, but government salaries had not been revised. The up-grading of individuals was one method of compensating for the trend. Government salaries were good but never so good as to make the majority contented with its lot.

Before undertaking an analysis of the work adjustment and social adjustment of the staff, it would be well to outline its basic characteristics. With one exception, all were women. (The key personnel was exclusively male.) Six were married, but in five cases their husbands were overseas. Only four considered Washington their permanent home. The age distribution showed only four above thirty and six were in their late 'teens or early twenties. A deliberate policy had been pursued of recruiting younger people who, it was felt, would be more flexible.

Little is known about the factors that influence the adjustment of workers to their jobs; in fact, little is known about the general problem of motivation, of which work adjustment is but one phase. All approaches are therefore of necessity experimental. The following factors have been selected because in the daily work of employer-employee relations they appeared most prominently and most frequently. It may well be that other factors of greater potency were present but remained hidden; but it is reasonable to proceed in terms of these: wages, hours, supervision, assignment, status.

Wages and hours require little elaboration. Clearly, the size of one's income, both absolute and relative, is an important determinant in work adjustment. Long hours detracted from one's free time; erratic hours made social life even more difficult. The majority of the staff had been employed in the civil service for varying lengths of time and had acquired certain working habits. Among these were set relations with supervisors. Most workers knew to whom to report; they knew when to report;

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they knew that they could count on assistance from their supervisors. To the extent that a new working environment failed to reflect these conditions, they would have to unlearn old habits and acquire new ones, frequently a difficult and almost always a painful undertaking.

Among the curses of bureaucratic life is wasted labor. So much effort is to no avail. The more menial his assignment, the more probable that the worker will have little or no interest in it. It is not a question of every worker having an important assignment. It is simply a question whether he is afforded an opportunity of seeing how and where he fits into the large picture. Status plays an important rôle in adjustment. People will usually reconcile themselves to many difficulties and unpleasantries as long as they feel that they are not being discriminated against.

A detailed appraisal of the reactions of the staff in terms of these five factors was undertaken by the Director in collaboration with that staff member who was most intimately acquainted with the thinking and feeling of the office, having acted as a confidant to many:

	Excellent	*Good*	*Fair*	*Unsatisfactory*	*Poor*	*Average*
Wages	8	9	3	1	..	Good
Hours	1	7	9	4	..	Fair
Supervision	3	5	7	1	5	Fair
Assignment	4	8	9	..	..	Good
Status	2	7	10	1	1	Fair

The foregoing table reflects both the strong and weak points of the office. As was pointed out previously, all but three of the members received a promotion at the time when they joined the Division. A majority received a second promotion within the first or second year on the job. Small wonder that with few exceptions they considered their wages to be good or excellent.

Because of the great difficulties encountered in securing key professional personnel, the Director and his one assistant were forced to spread themselves very thin and to work very long hours because so much of their work was deadlined. Since they depended upon detailed statistical calculations which they were

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unable to plan sufficiently in advance, the staff had many idle hours on its hands at the same time that it was forced to work overtime. Many members had a work week of sixty to seventy hours. Their Sundays were in constant jeopardy. Night work past the midnight hour was not infrequent. Small wonder therefore that the staff considered its hours fair, nothing more. It was war, and they were willing to do their share.

Although many made their peace with this difficult schedule, they could not hide their dissatisfaction with the supervision that they received while on the job. The heart of this difficulty must again be found in the shortage of key personnel that was not only nine months late in getting on the job but that required several additional months of training before it could carry its full load. Nor was the problem completely solved when the new assistants were ready to function. There was additional wear and tear on the staff while the director experimented in reorganizing the Division.

The members of the staff were much happier with their assignments than with their supervision. Despite tremendous pressure, the Director took time to lecture them at regular intervals on the work in the shop, and to explain to them how their statistical studies were actually helping to bring better medical care to the wounded. There can be no question that these conferences paid large dividends.

Although a liberal promotion policy was followed, some felt entitled to more money than they were receiving. Although efforts were made to equalize work, many felt that they were not receiving as good a deal as the next one. No question but that this was true. In part, it was deliberate. The sickly were excused from working overtime; sometimes the wrong individual was excused. Administrative action occasionally permitted one worker to be promoted while it stymied another. However, only two members were dissatisfied on this count. One is reminded that competition will probably cause trouble even in Utopia.

Although the foregoing table indicates that the over-all adjustment of the staff to its work could be evaluated as "fair

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to good", it fails to reveal the number of workers who made an excellent adjustment as well as those whose adjustment was unsatisfactory. These findings are tabulated below:

Excellent	3
Good	8
Fair	4
Unsatisfactory	6
Poor	

The long hours and the poor supervision which they received, both stemming from the same cause of a harassed supervisory staff, cancelled out for many the good wages and the meaningful work on which they were engaged. Thirty per cent of the staff had an over-all unsatisfactory adjustment. It must be said to their credit that with ample opportunities elsewhere they were willing to stay at their posts. Apparently they recognized that every effort was being made to find a remedy. The three who made an excellent adjustment and the eight who made good adjustments were individuals who were able to proceed with minimum supervision. They also had the more important assignments, which probably made it easier for them to reconcile themselves to the long hours.

The distinction between adjustment on and off the job is at best tenuous, for the satisfactions and dissatisfactions in one realm surely influence the other. Still it may be worth while to seek a rough approximation of the social adjustment of the group in terms of the following four factors: Washington (living conditions), social life, responsibilities, and prospects.

Wartime Washington was not an easy city to live in, especially if one had to fare for himself as most did. Living quarters were hard to come by; restaurants were crowded, in fact crowds were everywhere, and the purchase of even the simplest item required waiting in line. The longer one's hours in the office, the more difficult it was to find that essential minimum of time required, not for the niceties, but for the essentials of living.

There had long been a surplus of women in Washington, and, although the male population increased rapidly during the war, the discrepancy was not eliminated. Only an unusual girl was

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able to make a good social adjustment. Although there were several members of the staff who did not have to work in order to live, the majority were their own support. What is more, many were the partial or complete support of indigent relatives, a fact that kept them under constant financial pressure. The married women were better off in this regard but, with their husbands overseas engaging the enemy, they were under great emotional stress. As far as the future was concerned, the married women and the youngsters were most at ease.

The following table summarizes the social adjustment of the staff:

	Excellent	*Good*	*Fair*	*Unsatisfactory*	*Poor*	*Average*
Washington	1	15	3	2	..	Good
Social Life	3	5	3	6	4	Fair-Unsat.
Responsibilities ..	2	5	4	9	1	Fair-Unsat.
Prospects	1	9	6	5	..	Fair

The fact that so many were able to make a good adjustment to wartime Washington probably reflects a dissatisfaction with conditions in their home communities. Also their youth probably made it easier for them to take in their stride the many difficulties they encountered in daily living. They may have relished, at least vicariously, the excitement that was Washington's throughout the war.

Long hours in the office, husbands overseas, a great surplus of women, high prices, all conspired to interfere with a normal social life. Many went weeks without a "date". The tensions of war, added to the normal tensions of life, kept a large group under constant pressure. At least half the staff had more problems than they could cope with satisfactorily.

The level of social adjustment was below that of work adjustment, a fact that was confirmed shortly after the cessation of hostilities. Throughout the war, the Division had suffered only one resignation without cause, but in the months immediately after V-J Day, seven members resigned to return to their homes where they hoped to make a more satisfactory adjustment.

There was only one young woman, a native of Washington, holding down her first job, who made an excellent social adjust-

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ment. There were four others who had a good adjustment. As might be expected, they were in the fortunate position of having male companionship. One third of the staff were unhappy.

That the two levels of adjustment—work and social—were mutually dependent is suggested by the finding that, of the eleven members who had a better than fair work adjustment, only one had a less than fair social adjustment. On the other hand, of the six who had a less than fair work adjustment, there were three who also made a poor social adjustment. Likewise, of the five who had a better than fair social adjustment, only one had an unsatisfactory work adjustment. But of the four who had a poor social adjustment, three also had unsatisfactory work adjustments.

This case study has been presented for several reasons, not the least of which is the hope that it will stimulate the presentation of larger and more significant bodies of materials. The implications of this small study must not be pushed too far, but there are several general considerations which warrant comment.

We learned several lessons from World War I. We should be sure to learn several lessons from World War II. If World War I taught us the importance of matériel, World War II should teach us the importance of personnel. If war comes again, it will be certain to reveal important shortages. But it would be the height of irresponsibility if we failed, either through compulsory military service or through some other device, to take such action as lies within the scope of a mature democracy to keep our future shortages to a minimum. Our requirements and our resources should be studied in peacetime, so that we can take remediable action to overcome any shortages in time—which means *before* the outbreak, not after.

Since shortages will doubtless prove inevitable, even in the face of the most careful planning, it would be well to design an efficient allocating agency so that our scarce resources will not be wasted or underutilized. During the recent war our personnel management left much to be desired. We should review this experience in detail and profit therefrom.

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Awareness of the problem and determination to cope with it are important, but they do not go far enough. In many areas, especially in the selection, training and utilization of people, we are still much in the dark. Research alone can increase our knowledge. It is crucial both for peace and war that this fact be recognized and acted upon. In the last analysis, we are as rich and as powerful as our citizenry, not one iota more or less.

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A NOTE ON THE OCCUPATION OF ICELAND BY AMERICAN FORCES

ON July 7, 1941, the President of the United States announced a *fait accompli* that indicated that the government of the country was prepared to use force to insure the safety of the northern routes to Europe. On that day a provisional brigade of marines sailed into the bay at Reykjavik, Iceland, and began at once to unload its supplies preparatory to landing. Its mission was to coöperate with the British forces already encamped there in the matter of protecting the island against attack.[1]

The announcement came as a surprise to the public, although a hint to the effect that a force of marines was on the way to an unannounced destination had been made about a month before by a radio commentator, immediately after the Sixth Marines, the core of the brigade, had sailed from San Diego. Actually, however, the decision to participate in the defense of the island republic, which apparently was reached early in June, was the outcome of a series of negotiations which began with a conversation between Bertel E. Kuniholm, the American Consul at Reykjavik, and Stefan Johan Stefansson, the Minister for Foreign Affairs of Iceland.

Mr. Stefansson's approach was curiously frank and direct. He was careful to explain that he had no mandate from his government to speak. He said, however, that he took an extremely gloomy view of the possibility that England might be able to withstand the attack by Germany that seemed to impend at the moment, and he was certain that, in the event that England herself was overrun and that the Empire found it

[1] The wording of the order setting this mission forth is a little redundant: "TASK: IN COOPERATION WITH THE BRITISH GARRISON, DEFEND ICELAND AGAINST HOSTILE ATTACK." Memorandum from Chief of Naval Operations to Commanding General, First Marine Brigade (Provisional), dated June 16, 1941.

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necessary to pursue the war from farther afield, the British garrison that was actually protecting Iceland would be withdrawn of necessity, and Iceland would be left with no means of resisting occupation by Germany. He requested that Iceland be " included in the Monroe Doctrine area ".

This conversation took place on December 18, 1940, and even at this relatively early date the idea of United States intervention was not a new one. There is some evidence to the effect that a secret agreement existed between England and the United States regarding the defense of Iceland. Mr. Stefansson said frankly that he believed in the existence of such an agreement, and a little weight is added to the evidence by the fact that shortly before Stefansson called upon Kuniholm, a British Member of Parliament, Mr. Wedgewood, had asked in Parliament whether or not such an agreement existed. The question was not answered.

Indeed, the idea that the United States might be prevailed upon to undertake at least part of the burden of the defense can be traced back even farther; for, prior to the occupation of Iceland by the British on May 9, 1940, Mr. Thor Thors had spoken *in camera* to the Althing, recommending that an appeal for help be sent the United States. The consensus of that body was that there was no evidence to the effect that Iceland's integrity was in danger from either belligerent, and Mr. Thors's proposal was rejected.

Mr. Kuniholm sent to the State Department a complete report of the conversation between himself and Mr. Stefansson on December 18. On December 17 and January 6, the first tentative gestures toward aiding Great Britain were made, and on December 29 President Roosevelt declared against the sending abroad of an expeditionary force. At three in the afternoon of January 18, 1941, the Secretary of State replied to Mr. Kuniholm, advising him that this government wished to make no commitments, and that he should neither encourage nor discourage any further approach to it on the part of Iceland.

It is now clear that sometime between January 18 and June 24 negotiations took place between Great Britain, the United States and Iceland; for, when, on July 7, the President of the

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United States announced the arrival and landing of the First Marine Brigade, he made reference to a letter from the Prime Minister of Iceland, dated June 24, 1941. In that letter, the Icelandic Minister said, in part: "[The British Minister] also called my attention to the Declaration of the President of the United States to the effect that he must take all necessary measures to ensure the safety of the Western Hemisphere.... One of the President's measures is to assist in the defense of Iceland ... the President is therefore prepared to send here immediately United States troops." [2]

There is some evidence to the effect that the decision which resulted in the sending of troops was reached sometime in the first fortnight of June. Early in the fourth week of May, the Sixth Marine Regiment had loaded three transports with supplies and equipment for a short period of maneuvers at the island of San Clemente, off the coast of California south of Los Angeles. On Sunday, May 25, word was received that plans had been changed and that the three ships were to be reloaded with complete supplies for a movement overseas, and that the supplies were to include ammunition in the amount of ten units of fire. It was the understanding of the staff of the regiment—although no documentary evidence can be found to support that understanding—that the probable destination of the regiment was the island of Martinique, a troublesome and intransigent area that was a thorn in the flesh of the United States and Great Britain at the moment.

The regiment sailed from San Diego on May 31, passed through the Panama Canal, and sailed northward to Charleston, South Carolina. On June 10, the Commander in Chief, Atlantic Fleet, had given verbal approval for the formation of a provisional brigade consisting of the Sixth Regiment and reinforcing units; on June 16, the brigade was formed. The succession of events suggests that the decision to assist in the defense of Iceland had been reached while the regiment was in motion and bound for an undetermined destination.[3]

[2] Message to Congress, July 7, 1941. Department of State Bulletin #107, Volume V.

[3] Sometime just prior to May 21, Germany had declared Iceland to lie in the War Zone. *New York Times*, May 21, 1941, p. 2.

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It is interesting to note, at this time, that a constantly increasing pressure was being brought to bear by the United States upon Germany. A sharp example of that increase can be seen in two orders that were issued in the summer and the early fall of 1941. In the middle of July, American forces in the Atlantic were told that "Approach of any forces within fifty miles of Iceland will be deemed conclusive evidence of hostile intent and will justify attack on such Axis forces by the Armed Forces of the United States." By September 30, the national attitude was such that a further order said, " The presence of German or Italian naval, land, or air forces in the WESTERN ATLANTIC AREA will be deemed conclusive evidence of hostile intent and will require attack on such forces unless the attack under the then existing circumstances would be tactically unsound." The Western Atlantic Area was defined as that area lying west of the following line: meridian of 10 west longitude south to the 65th north parallel, thence by rhumb line to the junction of 53 north latitude and 26 west longitude, thence south along the 26th meridian west.

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REVIEWS

Concord and Liberty. By José Ortega y Gasset. Translated by Helene Weyl. New York, W. W. Norton & Company, Inc., 1946.—182 pp. $2.75.

"To know what to make of it all—the world and his own life—has ever mattered to man" (p. 64). This quotation best expresses the central theme, and at the same time constitutes the justification, of these four essays which, ranging over the entire field of man's intellectual activity and bringing together the most widely separated and at first glance unrelated aspects of this activity, constitute a well-integrated whole.

In our time of pressure, tension and transition, there is more than ever a need for detachment and an integrated view of the whole of human endeavor. It is precisely the multiplicity of the aspects of this endeavor and the consequent atomization of it which are at the root of the confusion in which twentieth-century man flounders. This confusion and disintegration are traceable to the most significant aspect of intellectual activity of the last three centuries, the development of science; for science has recast the very mold of thinking and, incidentally, as a by-product, has also recast the physical mold of existence. It has thereby given rise to the all-absorbing, but in the last analysis secondary and transitory, issues of our politics. Science grew out of philosophy, as the existence of chairs of "natural philosophy" still indicates, but the brilliant career of the offspring has tended to overshadow the parent; it even came to be said that science had killed philosophy. Curiously enough, however, the very accumulation of scientific knowledge has had the effect that, as scientists have vastly grown in numbers, an increasingly smaller percentage of them have remained philosophers. One result has certainly been achieved, and the attitude of Galileo's colleagues at Padua toward his playing with such toys as telescopes is gone for good. Philosophy can no longer look down upon and ignore science, but that it is not dead the essays under consideration are living proof.

It is at this point that history plays a crucial rôle—history in the broadest sense to be sure—for in formulating a philosophy rooted in

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an evolutionary view of the course of human development a knowledge and understanding of the past are indispensable. And that is why the first essay, from which the title of the book is taken, is appropriately concerned with an acute analysis of some aspects of Roman history; for "European man" appeared upon the scene with the collapse of Rome, and this European man, a marked individualist, has ever been more concerned with the question: how far shall I let myself be ruled? rather than with the one: who shall rule?

The individual is born into a society which exerts pressures upon him, just as the physical universe circumscribes him. He is really free when the social coercion is one of which he approves. A democratic state presumably embodies this condition, but need not be the only one that does. Roman institutions were not liberal, but the story of Rome from the expulsion of the kings to the Empire is that of an epoch of freedom because of the voluntary submission to law which prevailed. Thus, what the author calls "authentic" institutions are not transferable; freedom is a matter, not of proclaiming a few liberties, but of a deeper harmony between rulers and ruled, between the individual and the state. "Life in liberty presupposes a perfect continuity of circulation throughout the collective body, from the heart of its common beliefs to the skin which is the state, and back from the skin to the bowels of faith" (p. 47).

We must note the use of the words "belief" and "faith" in this quotation. Politics is only one aspect of human activity, and, in it as in others, belief—that is, basic assumptions—cannot but be rooted in more fundamental beliefs regarding human life and the universe as a whole. The present crisis in the fundamental sciences of mathematics, physics and logic is a manifestation of the fact that the "sciences have lost the Great Faith in themselves," and "there is a strong feeling that reason will have to occupy a new positon in the system of activities that constitute human life" (p. 58). Or, to put it another way, logical thinking is but one aspect of thinking, an ideal, "a utopia misunderstanding itself" (p. 62).

But this is no plea for a surrender to irrationality, so characteristic an aspect of our time, but rather an introduction to an analysis of the phenomenon of thinking and the meaning of knowledge. Belief is certainty, and thinking is that activity to which we resort when belief fails us. Thus, philosophy succeeds religion and is born of a feeling of insufficiency in the latter. However, the possibility of cognition is itself predicated on belief, a pre-cognitive, pre-rational belief in the existence of a fixed reality. Such at least was the situation that held

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in Greece where philosophy was born in the sixth century B.C. It was a unique situation and the Greek idea has, in a sense, been deteriorating ever since; for, if we once take the position that the Greek belief is really a state of mind resulting from experience, it follows that cognition is no longer an absolute reality but a " form of life ", and our problem becomes that of following the consequences of acknowledging that human reality has *historical* consistency; hence the importance of developing the " historical sense ".

The first step in this direction was taken by Aristotle who transcended the earlier Greek notion of being as identity of a thing with itself with the concept of being as " the effort of something to maintain itself in existence ". The peculiar nature of thinking, which is change (or motion), is that it is a change not distinct from its end (as liquefaction, for example, is the process of a piece of ice changing into water) but a " progress toward itself ". In the course of the philosophical quest, this process has appeared under various names, from Leibnitz' monad, through Kant's transcendental ego, Hegel's Geist, Schopenhauer's will, and Bergson's *élan vital.* Thinking, then, is a process in which reason plays a part, but which cannot be divorced from the other psychic processes of *feeling* and of *will.*

At this point, more restrictedly the history of ideas—but also history in general, for ideas cannot be isolated from the context either of their time or of the individuals that carried them—will stand us in good stead, for it can give us a measure of our progress and an appreciation of where we stand. Up to the eighteenth century, a static situation prevailed, for the various philosophical systems were viewed as past errors neutralizing each other. Reason, faith in which was born of the scientific accomplishments of the seventeenth and eighteenth centuries, would produce the " true " philosophy; but, at the same time, the eighteenth century made it possible for the historical sense to develop. History up to that time had been narrative history, but the late eighteenth-century thinkers paved the way for the introduction of the evolutionary concept in history, a step which they themselves failed to take because they clung to the seventeenth-century idea of the absolute, immutable element in the nature of man.

The nineteenth-century " historical school " was at last able to grasp the fact that the substance of man lies in his historical consistency or, as the author puts it, " man has no 'nature'; he has history " (p. 148). But the historical school, too, was a failure, for it ended by merely abstracting the rôle of reason. Having discovered the reality of subjective phenomena, it bogged down into a worship of

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fact and degenerated into mere antiquarianism. Comte and Hegel, adopting the evolutionary view of history, made the mistake of thinking that they had discovered the absolute goal of the process, namely, their own philosophy, instead of realizing that "a philosophy is the *true* philosophy not when it is final—an inconceivable thing—but when it holds within itself as its vital organs all past philosophies, recognizing them as 'progress toward itself'" (p. 128).

It is at this point that Dilthey, the subject of the last essay, enters the scene. Dilthey began his studies in Berlin about 1850 and came in contact with and under the influence of some of the greatest representatives of the historical school. Little known, abstruse and obscure, he is here credited with being the most significant thinker of his time for having glimpsed the synthesis for which the times were ready. This synthesis, under the perhaps not very apt name, the Idea of Life, Ortega y Gasset proceeds to elucidate, interpret and complete. Dilthey's contribution lay in investigating the answer to the question: how is history possible? From the view that cognition is inseparable from will and feeling, it follows that psychology becomes the fundamental science. This is psychology in the Lockean rather than in the current sense, and, to avoid any confusion, a new term, *Selbstbesinnung,* is coined for this science. Dilthey's philosophy—and Ortega y Gasset's—thus comes to rest on the twin props of psychology and history, and philosophy is restored to its erstwhile regal position: "Philosophy is no mere intellectual concern; in it the totality of the subject—thought, will and feeling—aspires to autonomy" (p. 169).

Some of this may seem abstruse and very remote from the daily concerns of the market place. Yet it is no product of the ivory tower. The author's well-known *The Revolt of the Masses* is sufficient proof that he is well aware of the present problems of society; but interest in the present need not mean a narrow immediatist approach that views the past as of no significance. What is the last quotation if not an assertion of the value of the individual, an attempt which is all the more effective for its encompassing in its system—instead of denying—the subjective nature of knowledge and the limitations of the rational faculty? It is the very recognition of these limitations which gives significance to the effort to transcend them and to restore the individual to some sort of solid ground, even though what must now be accepted as such would have been shifting sand to earlier generations of thinkers. This, in turn, implies an acceptance of the notion of progress—not the naïve nineteenth-century notion resting on exclu-

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sive faith in reason, or even less the cruder variety identified with mere material progress—but progress in the sense that views held in the past instead of being looked upon as erroneous are regarded as having been absorbed and transcended; in the sense of Gilson's *Unity of Philosophical Experience*. It implies the belief that man is at least capable of self-understanding.

Another point suggests itself. In the above-mentioned *The Revolt of the Masses*, Ortega y Gasset concerns himself with that most significant phenomenon of our time, the emergence of the mass-man. This phenomenon is pregnant with dangerous consequences, for it threatens the most valuable achievement of past centuries that reached its climax and flower in the nineteenth: the recognition of the intrinsic value of the individual, now in danger of being submerged. The present has shown the fragility of the conquests of man which were thought to be so solid that they had come to be taken for granted. Remote as it may seem, the philosophy expounded in these essays is an attempt at meeting the issue. "Our time stands in need of a new revelation" (p. 20), proclaims Ortega y Gasset. But this itself raises a further question, namely, of what use can the sort of revelation here provided be to the mass-man who has come to dominate the scene in the present stage of history? The political and social convulsions of the present are manifestations of this dilemma. But, whatever their unpredictable outcome, it remains true—even if we ignore the fact, whether wilfully or unknowingly—that "to know what to make of it all—the world and his own life—has ever mattered to man."

René Albrecht-Carrié

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Where Are We Heading? By Sumner Welles. New York and London, Harper & Brothers, 1946.—397 pp. $3.00.

A thoughtful and sweeping survey of America's international perplexities by a distinguished former Under Secretary of State is certain to receive a respectful hearing. Such a study carries much weight, both because of the long experience of the author and because of the forcefulness with which he states his views. For these reasons Mr. Welles's book is bound to be judged by an especially severe standard of accuracy and inner consistency.

Valuable insights into the first stages of American official thinking about the nature of the future world organization are offered in chap-

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ter i, entitled "Progress Toward World Order", which also throws much light on the evolution of the successive drafts from which the text of the Atlantic Charter emerged. The reader will be struck by what appears to be an important evolution in Mr. Welles's own views. In 1941 he agreed with Mr. Roosevelt that the lesser Powers, outside the Big Four, should have merely a nominal rôle in the future organization, while the great Powers would preserve in peace a monopoly of armaments and of policing power (pp. 4-5). On the other hand, in 1946 Mr. Welles presents a qualified advocacy of the future abolition of the great-Power veto in the work of the Security Council (p. 45).

After outlining the early discussions of a regional assignment of responsibilities for the future enforcement of peace (pp. 23-26), the author concludes that a regional, as apart from a universal, organization of security would promote the formation of closed Power-blocs, each dominated by a great Power, and would enhance rather than diminish the danger of war between such blocs (p. 27). It is not unfair to add, as a footnote, that Mr. Welles's own preoccupation with the protection of the Inter-American System against the impact of any universal system tended for a considerable period to give a strong regional bias to the studies which were being made, within the American government, of the future security organization. It is hard to accept at face value the author's strictures (p. 34) upon Mr. Roosevelt's decision not to submit the draft of the security charter to the Latin American governments prior to the Dumbarton Oaks conference. A more tolerant view would confirm the importance of first reaching an understanding with the Soviet government, whose views on this subject were an unknown quantity except for the general pledge contained in the Moscow Declaration of 1943.

When Mr. Welles turns to the recent efforts of American diplomacy to advance the post-war settlements, his strictures are sometimes captious or inconsistent. He is obsessed with the notion that the failure to secure the fulfillment of the Yalta agreements for the establishment of representative democratic régimes in the countries of East Central Europe is somehow a result of Secretary Byrnes having deliberately "thrown away" this part of the Roosevelt policy (pp. 71-72, 105, 152, 369-370, 380). He believes that it is sufficient for a successful solution of these problems for United States policy to be based on the fact that the Soviet government is pledged to the principles of the Atlantic Charter and of Yalta (p. 382). Contrary to the author's assumption (pp. 105-106), between Yalta and Mr. Roosevelt's death the Yalta agreements were repeatedly ignored by the Soviet govern-

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ment. This attitude, which could not be reconciled with the pledges exchanged at Yalta, appears to have been a source of great anxiety to the late president. Since his death the American representatives have striven, by such means of suasion as were available, to secure a partial fulfillment of the Yalta agreements.

Mr. Welles likewise assumes that the difficulties which have been encountered in carrying on the Allied control of Germany have been due to failure of the American government to reach agreements with its allies prior to the end of hostilities (pp. 88, 359). Actually, the Allied planning for the control of Germany, which began at the end of 1943, was far more advanced and elaborate than Mr. Welles seems to realize. The pre-surrender agreements on the control of Germany were full and precise, and the basic policies outlined in the Declaration of June 5, 1945, and in the Potsdam agreements provided a substantial basis of effective operation. It must be said that Mr. Welles's advocacy of partition, which he has now reinterpreted as a scheme of extreme decentralization (p. 122), was a minor factor in delaying the formulation of a coherent American policy toward Germany.

In addition to these inconsistencies in Mr. Welles's analyses there are a number of specific inaccuracies which cannot be passed over. It is, for example, difficult to believe that instability in Europe today is due, in any important degree, to uncertainty concerning future boundaries (p. 60). In what sense does France hold "a subsidiary role" in Germany (p. 80) when the French representatives have the same rights as those of other occupying Powers, including the veto on decisions of the Allied Control Council? Later information should have corrected the author's assumption that the Renner government in Austria was "installed by Moscow" (p. 82), or that its members were "for the most part Communists" (p. 168). It is not exact that Hitler gave all of Transylvania to Hungary in 1940 (p. 128), or that no effective industrialization took place in Hungary between the wars (p. 162). Far from being "one of the most intensively industrialized areas of Western Europe", the strip of German territory recently claimed by the Netherlands (p. 172) is mainly agricultural.

At one point Mr. Welles reproaches Mr. Byrnes for allegedly having "put pressure" on the Soviet government (p. 112). On the other hand, the author's own program, as set forth here and there in his book, would certainly require something more than "pressure" if it were to receive Soviet acceptance or support. He urges "a federation of Europe" (pp. 115-118), without specifying whether it would include the Soviet Union and ignoring the hostility of Soviet diplomacy

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to any mention of "Europe" as an entity. He proposes to allow dissatisfied members of the three Baltic nations to emigrate freely from the Soviet Union (p. 120), and objects strongly to the new Polish-German frontier (pp. 120-121). He proposes an "international control" of the Ruhr, Rhineland and Saar (p. 122), without explaining in what way a four-Power control of this smaller area would operate with greater efficiency and less friction than the similar control now exercised over Germany as a whole. The author proposes moving the Yugoslav-Italian frontier substantially to the east of the line agreed upon in the Council of Foreign Ministers (p. 125) and enlarging the territory of Greece at the expense of Bulgaria and Albania (p. 126). It is easy to see how greatly such a program would enlarge the area of disagreement with the Soviet government without increasing the prospect that American views could be made to prevail.

In his latest book Mr. Welles has focused the comments of a keen and self-confident mind upon many facets of American foreign policy. It is only fair to add that he has, in many instances, weighted his interpretations with a determination to see the worst in both intention and performance, and that he has not set forth any coherent philosophy of political action.

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Mainsprings of Civilization. By ELLSWORTH HUNTINGTON. New York, John Wiley and Sons, Inc.; London, Chapman and Hall, Limited, 1945.—xii, 660 pp. $4.75.

For many years Ellsworth Huntington has been an ardent exponent of the climatic factor in human affairs, and in this ambitious volume he endeavors—with considerable success—to show the interplay of physical, biological and cultural factors in the course of human evolution and history. Political scientists tend either to ignore, or to accept too uncritically, the physical and biological elements which bear so directly upon racial and national mores, and in this review an effort will be made to guide the reader through the labyrinth of theory contained in Huntington's book to the solid core of fact. The volume is not one that can be skimmed, despite the liberally interspersed summaries and recapitulations. But it merits reading, though not blind acceptance.

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Huntington's theme is dominated by a frank Darwinian point of view, and, in the reviewer's opinion, adherence to the evolutionary theme has imposed more handicaps than it has provided advantages. It has led the author to write two opening chapters that survey the course of biologic evolution in a manner that will arouse the ire of evolutionists and geologists without giving political scientists, historians, sociologists or geographers anything they can use or anything that will convince them of the validity of the evolutionary thesis. Once past this hurdle, however, Huntington has written a provocative section on heredity that can be read and pondered with profit. Most students are specialists who become so deeply involved in the minutiae of specific problems that they lose the broad perspective which the author achieves in this part of his volume. True, many critical readers may challenge some of the conclusions reached from carefully marshaled facts, but there is little benefit to be derived from any thesis with which one wholly agrees. Puritans, Icelanders, Newfoundlanders, Parsis, Jews, Irish, Chinese Hakkas, Junkers and Nazis pass in instructive review; and anyone who has been concerned with the backgrounds of any people will find himself testing the principles of natural selection which the author develops.

The third and longest part of the book deals with "Physical Environment and Human Activity", and here Huntington wanders into a larger number of controversial subjects. "Physical Environment" is broadly defined but narrowly considered. Admitting the importance of land forms and of natural resources, the author thereafter dismisses them as secondary factors, which they are not. The reviewer has recently completed a thousand-kilometer trip across the plains of Argentina, from Buenos Aires to Mendoza; and to him the huge estuary of the Rio de la Plata, the fertility and flatness of the plains, and the foothill environment of San Rafael, Mendoza, San Juan, and other cities of the Andean piedmont have been at least as vital in stamping generalized characteristics upon these sections of Argentina as the climate. Yet Huntington limits his treatment of physical environment to what may be termed atmospheric influences.

There will be no quarrel with the effort to establish "measures of civilization", but the scientist will shudder at the miscellany of "controls" or "measures" which have been selected. Crowding of dwellings, net reproductive rate of white population, homicide rate, distribution of automobiles, urban population, and climatic efficiency quite clearly yield comparable maps, and the author skillfully discovers a least common denominator in climatic efficiency. Psychological

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influences are invoked to explain these phenomena, but the unknown external forces of atmospheric electricity and ozone are given more weight than man's psychological effect on man. How wide of the mark the author sometimes shoots is evident in his extraordinary interpretation of the statistics on library circulation, to which he makes repeated reference. Finding that library circulation is four to eight per cent greater in the clearing phase of cyclonic storms, the author reaches the rash conclusion that the ozone carried downward by inflowing polar air stimulates intellectual activity. The more obvious conclusion is that the books were read during the rainy or muggy weather that preceded the clearing, and that the readers took advantage of the good weather to walk to the libraries and get new books to occupy them during the next rainy spell.

Circulation statistics offer no basis for a conclusion between either of these possibilities, but reading-room statistics in large libraries do. The reviewer was successively in charge of several reading rooms in the New York Public Library over a period of several years, and he can assure Dr. Huntington that reading-room attendance was best by a wide margin during the tropical air phase of cyclonic storms when ozone was at a minimum, whereas attendance dropped sharply with clearing weather. Huntington cites the results of examinations taken by students during the September 21, 1938 hurricane further to support his case, missing the fact that the examinations were taken while the barometer registered phenomenally low atmospheric pressure and while tropical air was still unaffected by any polar mass. The reviewer tried unsuccessfully to sit through a desultory faculty meeting in which the faculty clearly did not share the mental exhilaration of the students and even failed to realize that a major hurricane was in progress.

The author's wildest flight of theorization is, however, fundamentally reasonable and sound. The earth's atmosphere is being ceaselessly bombarded by rays or waves, few of which enter our consciousness. Sound and heat waves embrace but small segments of the continuous series from radio to cosmic rays, and there is less reason to think that life is unaffected by parts of the series than to believe that many wave-types exert subtle and little understood influences on all the forms of life. This is good scientific deduction, but Huntington forsakes science and scientific method in a premature effort to relate a jumble of imperfectly understood "cycles" to ozone, electricity, waves and weather. Even the author's frank admission of ignorance cannot disarm potential critics, and it is unfortunate that he did not stop with

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a more coherently organized set of facts. By the time the reader has tried to digest the assumed significance of 41-month, 9.2-year, 9.6-year, 11-year, and other " cycles " too numerous to list, he is likely to conclude that so many cycles can do little else but nullify each other. Such a conclusion would be as premature as the author's contention that cycles move in a mysterious way their wonders to perform.

Once Huntington turns to long-range climatic changes, on the other hand, he is on firm but familiar ground. It is unfortunate that he deals with the subject solely by means of the historical or case method, for the subject would gain immeasurably in force and scientific value if it were also systematized geographically. It is difficult to believe that this much of Huntington's thesis is not yet accorded general acceptance, but this may be the author's fault in too glibly dismissing specific factors effecting historical changes, in favor of the single and simple factor of climate. It is no more satisfactory to the geographer than it is to the historian or political scientist to be told that it was not the temperature but the humidity that caused the fall of Rome or the decline of Eire, when he knows that there were other physical and human factors that contributed to no less a degree.

It is easy to find fault with the author of *Mainsprings of Civilization*, but in doing so the reviewer has not intended to condemn the book. On the contrary, the volume provokes the kind of thought and argument that will eventually lead to new research and, no doubt, to new conclusions regarding the causes of human evolution. Despite the jacket, the volume is not " scientific ". To the reviewer it is as informal and stimulating as some of the discussions which he enjoyed with the author at the Yale Faculty Club while the book was in preparation. It is not " must " reading, but it should not be missed, and it cannot be ignored.

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World War: Its Cause and Cure. 2nd Edition: *The Problem Reconsidered in View of the Release of Atomic Energy.* By LIONEL CURTIS. New York, G. P. Putnam's Sons, 1946.—xxxii, 274 pp. $2.75.

This book, by a man who has played a behind-the-scenes rôle in nearly all of Great Britain's recent international settlements, and is at present a research Fellow at Oxford, is another of a growing list advocating the present transformation of our present United Nations or-

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ganization into a true federalized world parliament. It believes that absolute national sovereignty in international relationships is the root cause of most wars, and that world peace can never be assured until such absolute sovereignty gives way to a rule of codified international law, and a world police force substituted for all national armies and navies. And, finally, it agrees—as practically all those who study the problem come to do—that national representation in any world government body must be weighted in some way to reflect the relative importance in the world of the states so represented.

All this has by now become almost-axiomatic in any discussion of this problem which reaches the level of real discussion. But, when Mr. Curtis comes to the nub of the problem, that is, when he attempts to formulate the basis upon which proportional representation shall rest, he is less assured—and less assuring. He suggests that the "fundamental basis of representation" shall be national "taxable capacity". Now "wealth"—which is almost synonymous with "taxable capacity"—has been frequently advanced as such a basis; and, since the United States is by long odds the wealthiest nation in the world, this basis is one which, naturally, has strong appeal to us. But to *buy* representational power in a world state, however the purchase may be disguised, is somehow repugnant to one's moral sense; and this quite aside from innumerable other and very practical difficulties. Relative national support of the expenses of the world state might very well rest upon "taxable capacity"; but some will think that in his thesis here Mr. Curtis has put the cart before the horse.

One might also, *en passant*, question his implied assumption that these world-state expenses are going to be extremely large. He even suggests (chap. 22) that they may be so great that their annual payment might dislocate foreign exchanges unless the requisite transfers were carefully prearranged. If our world state sticks strictly to its knitting, and does not try—at the start at least—to cover too much ground (a danger from which our present United Nations may not be immune!), where do any really heavy expenses arise? It is a little difficult to understand how, in a world entirely without national armaments, an international inspection and police force is going to be a severe burden upon the world's economy.

When it comes to discussing the action necessary to effect the transition proposed, Mr. Curtis says that the situation today cries for leadership. In a time of urgent crisis, we have before us, he says, a problem regarding which—as is often the case—most of the people are ahead of their titular leaders. We in the United States might ponder Mr. Curtis' comment: "To tell people the things they like to

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hear is fatally easy. True leadership begins when a statesman like Winston Churchill has the nerve to dwell on distasteful facts." That the primary decision in this crisis is ours is his reiterated conclusion—and, from an Englishman, it is a conclusion that sounds twice as convincing. The United States is so powerful, he says, that it, and it alone, is essential to successful world federation. "Whenever the U. S. A. combines with the other free states to make their common defence, a first charge on all their resources, the end of world wars will, I believe, be at hand."

Note, by the way, he says "the other free states". He not only does not believe that Russia is essential to the organization of a workable world federation; like Streit, he is inclined to doubt whether it is likely to conform itself at once to the pattern required for sincere international coöperation. The representatives of an authoritarian government always tend, he says, to vote as a *bloc*, fatally undermining the essential principle of democracy, namely, majority rule reached after public discussion of the issues.

Although he agrees that such a partition of the world into two political economies would offer serious dangers, Mr. Curtis believes that there is even greater danger in the present attempt to mix ideological oil and water in one world organization. He thinks that it is bound to fail—in fact that it *is* failing—and he fears that all attempts to effect international organization may collapse with it. His hope is that, if all the free nations of the world form a true world federation, unhampered in its organization and operation by monkey wrenches of any kind, the new organization will operate so successfully that the totalitarian states will see the desirability of becoming themselves at least sufficiently free to be eligible to come in. Meanwhile they will finally realize that the democracies have no desire to interfere with them.

Because there is in this book so much that is thought-provoking, and a great deal that is almost inspirational (which is especially true in those sections where a strongly religious note is struck), one regrets that, as a whole, it is poorly organized. It purports to be a revised edition of a book originally based on a series of pamphlets. But the title page bears no date; the preface to the first edition is omitted; and the dating of this revised version, and the relationship between the two editions, and between this book and its predecessor pamphlets, are all left obscure. From its text it would appear that the revision of the first edition was intended to bring the book up to date. But the net result is inadequate and confusing. Most of the book was obviously written while the war was still in progress. This means that

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large parts of it (as, for example, the chapter arguing that the home of the world organization ought to be at Quebec) are now obsolete. On the other hand, many paragraphs, and perhaps some whole chapters, appear to have been written in 1945. "United Nations" sometimes seems to mean the allied nations of World War II, sometimes the United Nations organization—an annoying ambiguity in a book in this field. If the author had taken time completely to rearrange and revise his original text, had brought it fully and carefully up to date, and had cut his completed result to about one half of its present length, he would have had a much more readable and much more powerful book. Repetitiveness would seem to have reached some sort of a climax when a writer quotes verbatim (p. 180) an entire page from an earlier chapter of his own book.

FREMONT RIDER

WESLEYAN UNIVERSITY

Two Worlds: A Realistic Approach to the Problem of Keeping the Peace. By WILLIAM B. ZIFF. New York and London, Harper and Brothers, 1946.—335 pp. $3.00.

Trade books on current politics sometimes "sell" themselves and sometimes have to be "sold". Mr. Ziff, who is himself a book publisher, belongs to the "high pressure" school of salesmanship and sees no merit in the ancient injunction that publishers should publish books and not write them. His latest opus is extravagantly eulogized on the jacket by such authorities as Senator Homer Ferguson ("undoubtedly Mr. Ziff's greatest book"), Senator Edwin C. Johnson ("the most challenging and thought-provoking book since Wendell Willkie's *One World*"), Senator Kenneth S. Wherry ("one of those truly great books which come along once in a generation"), Senator James M. Tunnell ("comes closer than anything written in this generation to providing a realistic estimate of the true world situation") and Senator Owen Brewster ("brilliant analysis of world events").

Such comments throw more light on the commentators than on Mr. Ziff or his book. Here, as in *The Gentlemen Talk Of Peace,* he has thrown together a series of rambling remarks on world affairs, set them forth in irritating "journalese", embellished them with copious inaccuracies, and made believe that they constitute a novel analysis of American-Soviet relations. The result is a plate of platitudes, spiced with occasional witticisms, and flavored with scattered observations exhibiting evidence, now and then, of thought.

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Books of this type should doubtless not be judged by the standards of responsible scholarship, particularly if they afford new insights based on eyewitness testimony or serious cogitation. *Two Worlds*, unhappily, is neither a travelogue nor a solid work of interpretation. The informed reader will be disposed to dismiss it forthwith when he reads that Roosevelt, Stalin, Churchill and Foo Ping-cheung met in Moscow in 1943; that the Nazi-Soviet pact of 1939 "amounted to a military alliance"; that "Marshal Tito Broz" is ruler of Yugoslavia; that Russians "possess a fairly accurate knowledge of the United States"; that Trotsky was accused by Stalin of "right-wing deviationism"; that the Communist Party has a membership "of something less than five millions"; that Paulus is head of a "German government-in-exile"; that Karl Renner was "an ardent partisan of collaboration with Hitler"; et cetera. The author's errors of fact are almost as impressive as his brashness in offering "authoritative" judgments on almost any question under the sun.

Be it said, however, that those who can endure these qualities will find here, behind the posturing and "ballyhoo", a substantial core of common sense and constructive optimism. *Two Worlds* is not an anti-Soviet tirade like *Trouble Zone* (written by Leon Dennen, one of David J. Dallin's translators) which Mr. Ziff published last year. It is, on the contrary, an argument against basing public attitudes and foreign policy on the assumption of an American monopoly of virtue and a Soviet monopoly of vice. It is, in addition, a restatement of the case for world federalism and an appeal for American-Soviet collaboration in building a federated world as the only alternative to atomic annihilation. Were the execution of the project commensurate with the worthiness of the purpose which inspires it, this volume might merit praise from scholars as well as from Senators. As it stands, it is another book which will have to be sold.

FREDERICK L. SCHUMAN

WILLIAMS COLLEGE

American Radicalism, 1865-1901: Essays and Documents. By CHESTER MCARTHUR DESTLER. New London, Connecticut College, 1946.—xii, 276 pp. $3.50.

Those who have followed Professor Destler's studies on American radicalism during the last three decades of the nineteenth century are already acquainted with his suggestive and often original approach to this subject. Seven of his articles are reprinted here with an addition

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of four new studies. The first of the new material (chapter iii) is entitled "Legal and Sectional Aspects of the Pendleton Plan" and is essentially an extension of his earlier study on the "Origin and Character of the Pendleton Plan". Here the author suggests that the struggle over the Pendleton plan cannot be interpreted merely as a battle between the conservative deflationist East and the radical inflationary agricultural West, but rather as a contest between opposing banking, investing, mercantile, industrial, labor and agricultural interests that was fought out on intra-sectional as well as inter-sectional lines.

The last three chapters are also new and deal with the efforts to consolidate various left-wing groups in the Chicago-Illinois area in order to present a united front in the congressional campaign of 1894 and the Chicago mayoralty election of 1895. Chapter ix, "The Labor-Populist Alliance of Illinois in the Election of 1894", is a continuation of an earlier article on the "Consummation of a Labor-Populist Alliance in Illinois, 1894" and is an extremely valuable study of the crosscurrents of American radicalism and of the efforts of men like Henry Demerest Lloyd to pull left-wing groups together in a platform which would amalgamate the demands and ideology of indigenous American protest and the new socialism developing in Europe. Chapter x, "The Revolution Is Here", is a reprint, with an introductory note, of an address delivered by Lloyd during the 1894 campaign. It reveals, says Destler, "how skilfully Lloyd harmonized the Lockean political doctrines of the Jefferson tradition and the antimonopolist Populist faith with the collectivist principle" as "the foundation of the nation-wide Labor-Populist alliance which he sought to consummate." The final chapter, on "Free Silver vs. Collectivism", is a story of the efforts of Lloyd, Darrow and other leaders to hold together a working alliance of various groups in the city election of 1895 and the subsequent disintegration of this alliance under the attacks of Populists interested largely in free silver.

Mr. Destler has made two important contributions: he has strengthened the theory, first, that much of American radicalism is essentially indigenous; and second, that its origins are urban as well as rural. He has "uncovered urban origins of a number of supposedly rural stereotypes and remedial proposals that Turnerians have regarded as peculiarly western." The sum total of Destler's studies goes far to undermine the Turnerian theory that nationalist, radical democracy was a creation of the frontier. It should be added, of course, that Destler has done more than this. His work on men like Edward

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Kellogg and Henry Demerest Lloyd, and his intensive studies of specific issues and campaigns, have established a basis of factual information upon which the origins, concepts and practice of late nineteenth-century radicalism may be studied. In helping to interpret this information he incidentally throws much light on twentieth-century progressivism and the whole difficult problem of establishing in America today a left-wing synthesis which might appeal to large groups.

HAROLD U. FAULKNER

SMITH COLLEGE

Population and Peace in the Pacific. By WARREN S. THOMPSON. Chicago, University of Chicago Press, 1946.—397 pp. $3.75.

Warren Thompson can be described as perhaps the best-known contemporary representative of the Malthusian theory. Analyzing world events on the basis of population growth, he has discovered the danger factors in those regions of the world where distribution of people has created urgent needs. Applying his general concepts specifically to the countries of Eastern Asia and India, he tries, in his most recent book, to find ways to avoid the threats to world peace which he believes are inherent in the unbalanced relationship between development of resources and number of peoples in the countries of that region.

The laws of population growth as derived from the European experiences indicate that the first signs of a change from agrarian and commercial economies to industrialization have been accompained by the first waves of the great flood of population growth which the Western world has witnessed in the last two centuries. The new professional possibilities, the outlet of emigration, have resulted in growing birth rates, while the accompanying knowledge in medical science and the possibility of organized public health have decreased the death rate to such an extent that in their early years all industrial societies witnessed the great population increase, so frightening to Malthusian students. In the Western world the balance was regained when the lowering of the death rate found its natural limits and when the further increased living standard brought a natural inclination toward a strong limitation of the birth rate, which has resulted not only in the prevention of further growth, but in an actual decline of population figures.

According to Thompson, the Asiatic world is now witnessing the beginnings of this great population cycle which will lead in the coming

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critical decades to an immense superiority of numbers of the Asiatic over the Western world. But while the Western world had the outlets and resources to take care of its population growth, the Orient does not possess these remedies in equal measure, and the author's thesis is, therefore, that these "large differentials in population pressure which are *felt* will lead the more crowded peoples to attempt to equalize these pressures by force whenever and wherever the chance for success seems reasonably good if force remains the only method of securing larger resources" (p. 352). To avoid these dangerous inclinations to the use of force, in the author's mind the main potential causes of new wars, Mr. Thompson tries to develop a program of Far Eastern policy.

He begins with an analysis, country by country, of the relationship of population growth to resources and possibilities of development. Valuable data make the book useful to anyone interested in Far Eastern economics. The analysis of statistics on population figures and the lists of available sources on raw material and the beginnings of industrialization are of value for reference purposes, not to mention the exhaustive bibliography given at the end. Starting with tropical Oceania, the author deals with Australia and New Zealand, Manchoukuo, various aspects of Japanese economic structure, China, India, the colonies of Southeast Asia. In the emphasis of the successive chapters we can discern, however, some bias, probably a result of the author's preoccupation in former studies; for example, the very great emphasis on Japan hardly justifies, in the year 1946, a chapter on Manchoukuo without quotation marks which deals with that part of China almost entirely from the Japanese point of view. The almost complete omission of Russia as a factor not only in Manchuria, but in her own advance in economic and population development in the Far East, is another unbalanced presentation. But, on the whole, the careful weighing of population figures versus available resources for agricultural extension and industrial development is illuminating. It is especially interesting to gain a picture which shows that in most countries of the Far East the possibility of further land development, migration or industralization will take care of expected rapid growth, at least for the next decades. The only country whose darker future in the author's mind is not mitigated by such possibilities is China, where no large-scale migration or reserves of uncultivated land or resources for large industrialization give an outlet for the expected population increase.

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Thompson argues, therefore, that China's population pressure will be the real future danger in the Far East; although in his often contradictory conclusions he seems to lump together the teeming millions of China, India and the colonial countries in frightening spectacle designed to stress the need of greener pastures before it is too late. While emphasizing many reasonable ideas, such as the need for terminating the colonial policy of exploitation in favor of integrated Asiatic economies, the author runs into contradictions. Having proved that no emigration would help crowded China because of forbidding costs and the high birth rate at home, he demands, on the other hand, as a kind of gesture the opening up of Australia, New Zealand, and such islands as New Guinea or Borneo to Chinese settlers in order to prevent China from taking by force the tempting empty spaces in the south. Essentially, the Malthusian theorist has no other recourse but to disperse these ghosts by advocating voluntary birth control for China, and for other Eastern countries.

A confused reader is left to his own conclusions as to why a country like China, instead of following the predicted cycle of population growth, should be inclined to adopt on a large scale voluntary birth-rate reduction at an earlier stage of the Malthusian game; or why this nation, with the demonstrated scarcity of its resources, should become a powerful aggressor to relieve its population; or why an increasing death rate will not take care of the seemingly unbalanced growth.

Is population pressure, however, really the chief problem in the Far East? The weakness of the Malthusian theorist becomes most apparent in the one short paragraph on the Soviet Union, a country with no population pressure in the Pacific which " possesses within its present boundaries all the land and minerals needed for continued rapid industrialization" (p 347). Its Far Eastern aspirations therefore remain almost unmentioned and certainly unexplained. Some concession by this defender of integrated and independent economies of Eastern peoples is hinted at in the statement that Russia " will not be interested in extending her power in the Pacific beyond what we will be glad to acquiesce in at the expense of Japan and possibly of China " (p. 347). The reason for this confusion lies in the approach itself. The problems of the Far East, the problems of China, are more complex than a mere study of population pressure can reveal; and thus, without answering our burning questions as to the social and political transformation of the Eastern world, the author is forced into a superficial and popular application of principles of power politics which contradict some of

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his own precepts. To describe "Japanese settlements in part of Indonesia to forestall the expansion of China . . . [as] a shrewd political move" (p. 349) is nothing but cheap deviation from sound thinking. Here, as in some other revealing sentences, the author changes from a Malthusian to a power politican whose assumptions are rather superficial and are not influenced by a study of the social and political forces in the Far East.

Franz Michael

University of Washington

The Population of the Soviet Union: History and Prospects. By Frank Lorimer. Geneva, League of Nations, 1946. Distributed in the United States by the Columbia University Press, New York.—xiv, 289 pp. $4.00.

In a period when the flood of sensational books on Russia has reached its crest, the appearance of a scholarly volume dealing with that country subjects that publication to the risk of inattention resulting from public craving for the more exciting styles to which it has been accustomed by earlier writers. It is to be hoped, however, that Dr. Lorimer's work does not suffer this fate since within its covers lies more fundamental information about the past, present and future of the Soviet Union than in a baker's dozen of hastily rewritten correspondents' or diplomats' diaries.

As the title indicates, this book presents a summary and analysis of the available data on population movements in the territory now known as the Union of Soviet Socialist Republics. Aided by Dr. Myron K. Gordon, Dr. Lorimer has brought together the information available in the Russian language, as well as in English, and thus presents a comprehensive picture of the birth, migration and mortality movements which have enabled the greatest of the Slavic nations to dominate one sixth of the earth's surface, and the non-Slavic peoples living thereon. This picture of population movements is presented against a rich and skillfully drawn background of the basic economic, geographic and cultural factors which made possible the tremendous growth of Russian population from pre-Czarist to modern times.

Since statistical data are most plentiful for the 1926 census, Dr. Lorimer is able to present for the first time in English a careful analysis of Soviet population in 1926, classified by criteria of residence, ethnic origin, occupation, urbanization, levels of living, and so on. Although informaton released about the 1939 census was less plentiful than that

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issued for 1926, Dr. Lorimer is able to present the major characteristics of Soviet population change from 1926 to 1939, roughly the period of the first three Five Year Plans.

For many, this volume's projection of Soviet population to 1970, after adjustment for hypothetical, but reasonable, war losses, will be the high spot. The author's conclusion that by 1970 the U.S.S.R. is likely to have over 220,000,000 citizens within the January 1939 boundaries, despite an assumed total of 20 million persons lost because of the war, is probably far more important as a guide to future Soviet economic and political policy than almost any other single factor one might choose. The consequences of this almost 30 per cent increase in population in 40 years will be felt in increased pressure upon Soviet resources and in increased difficulty encountered by efforts to raise the standard of living of the U.S.S.R. If this increase should be so large as to outrun the increased productivity necessary to maintain this expanding population at improving standards of living, the political and economic consequences will be felt from the Pacific and the Atlantic and will far outweigh in importance the maxims of either Marx or Macchiavelli as the guide to Soviet policy. Dr. Lorimer, in short, makes an implied, but strong, case for considering Malthus, and the factors which he stressed as primary, in any evaluation of the future of the U.S.S.R.

No review of this volume would be complete without a word of appreciation for the splendid demographic maps in the body of the text and the great wealth of basic statistical data and methodological information given in the appendices.

HARRY SCHWARTZ

SYRACUSE UNIVERSITY

The German People: Their History and Civilization from the Holy Roman Empire to the Third Reich. By VEIT VALENTIN. Translated by Olga Marx. New York, Alfred A. Knopf, 1946.—xxi, 730, xxxi pp. $6.00.

Only an author who has a truly exceptional knowledge of his subject could have written this book. The text shows an unusually broad background in the political, economic, social and intellectual history of Germany. It offers proof of deep thought on the facts involved; and withal it is written in clear, interesting and readable language.

Basically, the organization of the volume is chronological. The salient happenings are recorded in their proper sequence in time from

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the rise of Charles the Great to the fall of Hitler. In the process it is made very evident that National Socialism was in reality "the sum of Germany's past." The last chapter, entitled "The German Collapse", provides a brief overview, bemoans a German "curse", and expresses the hope of a happier future. "If a nation can become wise by its hurts, Germany ought to be in future the wisest nation in the world."

Having said these things about *The German People*, the reviewer must express some disappointment in the author as historian. The book has a serious weakness, which flows out of the apparent circumstance that Dr. Valentin was first a German and then a historian.

A careful reading of the volume has left the reviewer with the feeling, perhaps wrongly, that the author in his own way emphasized the supposed excellence of German race characteristics nearly as much as did the Nazis, whom he despised and berated. Only he differed with the Hitlerites in their interpretation of what is and what is not truly "German".

Whether speaking of the medieval strife between emperor and people or of the tyranny of Nazism, he labeled the characteristics which democrats frown upon, as being "alien", "non-German", "non-Germanic", "Latin", "Slavic", "eastern", or "oriental". The qualities which believers in the four freedoms regard as good, the author also regarded as good—and as being basic to "the traditional Germanic concept of law and freedom" and to the "happy, placid, and individualistic tone" of things German.

With the facts in the book there is little room for quarrel; the interpretations, however, seem to be more polemical than historical.

The typography and format of the book are attractive. The appendix contains useful chronological, genealogical and political tables. There are some good maps, and the index is fairly complete.

WALTER CONSUELO LANGSAM

WAGNER COLLEGE

Germany Tried Democracy: A Political History of the Reich from 1918 to 1933. By S. WILLIAM HALPERIN. New York, Thomas Y. Crowell Company, 1946.—viii, 567 pp. $3.75.

If the ideological assumptions that pervade Mr. Halperin's book are discounted, it may justly be commended as a good, coherent political history of Germany from 1917 to 1933. After a short opening chapter on "Crosscurrents in the German Empire, 1871-1914", he begins his full-bodied narrative with the 1917 Reichstag peace resolution,

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which signalized the emergence of those political forces into whose hands the Reich was delivered at the end of World War I. The birth of the Weimar Republic, its domestic and foreign politics, the sectarian party strife, all this is traced out in remarkably close and accurate detail down to the moment Hitler took charge of German affairs.

There are honesty and objectivity in the presentation. The most severe critic of Weimar republican politics will take few exceptions to statements of fact; indeed a political pamphleteer, wishing to marshal a selected set of facts to demonstrate the cowardice, corruption and sheer imbecility of the Weimar era, could obtain all the material he needed from these pages. But Mr. Halperin would not so interpret the record. He believes that in these years "Germany tried democracy" and failed largely because of "conservatives" and "reactionaries". He is on the side of the Social Democrats and against the Junkers—"those stiffnecked, classbound feudal barons." He does not question the wisdom of Wilson's policy of virtually forcing the Germans to overthrow the monarchy in 1918; instead he thinks—or rather assumes, as if it were axiomatic—that the revolution should have gone much farther to the left. It does not occur to him that financial extravagance and socialist legislation may have contributed to the fall of German "democracy" or that the capture of power by Hitler may have been a demonstration that only an iron-handed dictatorship can govern a "planning" collectivist state. In the last pages Mr. Halperin's attention is so fully absorbed by the game von Schleicher and von Papen were playing, that he fails to notice the very important strategy of the German Communists, who favored Hitler's coming to power because they believed it must hasten their own hour of opportunity.

The Nazis, as Mr. Halperin sees them, were "reactionaries" in alliance with feudal barons and big business, not a revolutionary party engaged in a "jurisdictional dispute" with the Communists for support and control of the masses. But the history of Germany since 1933, especially during the "denazification" era that began in 1945, hardly sustains this view. One can read Mr. Halperin's book and not suspect who the genuine opponents of National Socialism were. But readers of Mr. Franklin Ford's article on the Rightist underground in the *American Historical Review* (vol. LI, No. 4, July 1946) should know where to look for them. They were to be found wherever there was a patriotic and conservative attachment, not to "democracy", but to the traditional decencies, liberties and sanities

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of Western Christian civilization. Since the days of William II the political principles operative in Germany have tended to exclude such elements from positions of influence and power. Not least was this the case in the Weimar era. Had he a more discerning judgment of political men and political principles, Mr. Halperin would have written a wise book as well as an honest one.

ROSS HOFFMAN

FORDHAM UNIVERSITY

Soviet Legal Theory: Its Social Background and Development. By RUDOLF SCHLESINGER. New York, Oxford University Press, 1945.—viii, 299 pp. $5.00.

Dispassionate inquiries into Soviet legal thinking and methods and standards of Soviet legislation have not been too numerous throughout the Western world. Of the most important original contributions to Soviet jurisprudence only some of the early works by Stuchka, Korovine and Paschukanis have been available in translations. For this reason alone Dr. Schlesinger's book, fruit of an extended study of Soviet social theory, should be highly welcome.

Though the wealth of material has at times overwhelmed the author and made it difficult for author and reader alike to recognize the dominant trend of the argument, the book's main thesis is reasonably clear. According to Schlesinger, Marxist legal theory suffers from its utopian streak, which brings about an ambiguous attitude toward the law. On the one hand, as practice of the Soviet law shows every day, Russian lawyers are building up a new system of " revolutionary legality "; on the other hand they persevere in the belief that, at the end of the bourgeois régime, law, always based on a relationship of class domination, will be replaced by the exclusively technical regulation, offspring of a society from which class domination has vanished. The latter assumption is rejected by the author because he feels it neither adequately mirrors present-day Soviet reality nor does it give a reasonable interpretation to the founding fathers' dicta. Moreover, in his opinion, one of the main props to the theory of the vanishing of law has been destroyed, when the revolutionary changes in the early 1930's forced Soviet legal theory to abandon most of the propositions of the commodity-exchange theory of law. This theory, dominant during the N.E.P. period, had tried to explain the whole realm of law, by the

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relations of commodity exchange. Along with his theory, Schlesinger thinks, its concomitant also went overboard, that is, the expectation that, with the narrowing down of exchange relations, the state would lose its function as guarantor of legal norms, thus unveiling clearly its temporarily dual character as suppressive machinery as well as purveyor of the ever-expanding realm of technical regulations.

To be certain, the author would freely admit that the contents of the legal institutions have undergone tremendous changes. And the book—thus far following Karl Renner—tends to show how under the impact of revolutionary changes in the landed property structure former supplementary institutions have replaced the main legal devices of the still extant civil code of 1922. In the realm of industrial relations civil law serves only as a technical means by which the "state arbitrage" handles accounting disputes between different enterprises of an identical state machinery.

However, in spite of the narrowing down of the scope of civil law and the theoretical doubts as to its continued existence, Schlesinger contends that the Soviet experience has proved that a socialist society need not necessarily be a lawless one, but may well live according to legal forms. What does the author in this context understand under the concept of legal forms? His initial criticism of the Marxist doctrine, thus following Kelsen's review of Paschukanis,[1] starts from the purely formal concept that a legal system exists whenever legal rules are enforced. As Soviet legislation, though with some inevitable delays, has always been able to systematize changing precepts and devices, the formal requirements of a legal order may therefore be regarded as fulfilled. However, the farther Schlesinger advances in his study of the changing Soviet institutions, the more he abandons purely formal criteria of legality in favor of a number of substantive and procedural yardsticks, with which to measure the "legal" character of the Soviet system. Thus, he lays great stress on the reëstablishment of formal equality before the law, forbidding discrimination between various categories of citizens according to their class origin, the judges' concern to strike a balance between societal and sectional interest, the partial reëstablishment of the notion of criminal guilt as opposed to exclusive security considerations. On the basis of these findings Schlesinger argues that a socialist society may—exactly as any

[1] Hans Kelsen, "Allgemeine Rechtslehre im Lichte der materialistischen Geschichtsauffassung", *Archiv fuer Sozialwissenschaft und Sozialpolitik*, vol. 66, 1931.

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capitalist society—be able to protect those individual claims of its members, which it acknowledges as generally admissible and justifiable from its own premises.

Yet in his anxiety to combine his positivist concept of legality with his desire to prove the possibility of a socialist legal order, living up to some traditional material and procedural standards, the author overlooks a decisive fact. The question as to what claims should be regarded as admissible and justifiable is decided in Western society by a complex interplay of social forces institutionalized in constitutional schemes which are dependent on the balancing of a number of organs. Whatever element of security and calculability exists in Western law rests on the fact that changes are effected through preëstablished procedures. In the U.S.S.R. the decision as to which claims of the individual should be admitted is handed down by a unified political command, which may change the rules of the game at any moment, even, as the author complains, with retroactive effect.

Obviously, legal institutions under a unified power system, even if they use identical techniques, are bound to acquire a different meaning from those prevailing in a system resting on the fragmentation of power. Differences which Schlesinger attributes to specific historical circumstances and other imperfections may then appear as the logical conclusion from varying political premises. Whether the old and cumbersome balance function of the traditional legal organization, representing civil society rather than the state machinery, has been replaced by a new balance, or whether the judicial worker of the U.S.S.R. remains an administrative clerk, could have been determined only if the author had ventured to supplement his sketch of Soviet legislation and the difficulties of Soviet legal theory with more than mere occasional glimpses into the actual judicial practice of the U.S.S.R.

OTTO KIRCHHEIMER

WASHINGTON, D. C.

Restless India. By LAWRENCE K. ROSINGER. New York, Henry Holt and Company, 1946.—ix, 113 pp. $2.00.

American publishers have a penchant for turning out books on subjects of current interest with an eye to what the trade calls the general reading public. This is an admirable and necessary function in a democratic society, and no one can possibly criticize the book com-

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panies in their desire to serve the cause of popular enlightenment. In certain respects the work under review seems to fulfill this function satisfactorily. *Restless India,* though concerned with a highly controversial theme, is written in a dispassionate, factual style which reads easily. It delineates such basic elements and forces in the Indian scene as the agrarian economy, the peasantry and the land problem, the impact of modern industrialism, and the long struggle for national independence. A thirty-page appendix presents the gist of a number of important documents, beginning with the Cripps Proposals of 1942 and ending with the Congress Party election manifesto of October 1945. The book is brief, concise and relatively inexpensive. As a thumbnail sketch of a tremendously complex subject it has much to recommend it, particularly with regard to those readers who are unacquainted with current economic and social trends in that great Asiatic subcontinent. In *Restless India* Mr. Rosinger has produced a convenient primer and guide to one of the most portentous and baffling questions of our time.

The major weakness of the book derives from its extreme brevity which has forced the author to condense a great deal of essential information into a few short sections, some of which measure less than five pages in length. With all due respect to Mr. Rosinger and his sponsors, the Foreign Policy Association, we think far more space than this is requisite to describe the structure of government which has arisen in India since the days of Clive and Hastings. The same criticism holds true of the terse, but superficial résumé of the All-India Congress movement and the development of party politics. The author is guilty of mistakes both of commission and of omission. He repeats the hoary error of ascribing the genesis of the Congress-idea in the 1880's to a retired Indian Civil Service officer, the late Allen O. Hume. More important, he glosses over the terrorist campaign of Tilak and the Extremists at the opening of the present century, although it was the actions of these men that cut the ground from under the Moderates and paved the way for the capture of the Congress organization by Gandhi at the end of the First World War.

Moreover, in a book concerning India published on the eve of what may prove to be the final steps toward independence one has the right to expect much more detailed treatment of the leading figures in the great drama than Mr. Rosinger has seen fit to offer. The chief actors in the story—the Nehrus, the Rajahgopalachariars, the Jinnahs, the Linlithgows—move across the stage, but they never really come to life.

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There is a similar lack of substance in the treatment of communal politics. In his analysis of the Hindu-Moslem conflict the author fails to convey more than a faint suggestion of the bitterness, the passion, the intense, irrational hatred which that cleavage has come to provoke. Mr. Rosinger has outlined some of the elements in the conflict; but he does not show how or why Moslem intransigence waxed ominously during the period from 1937 to 1939 when Congress Ministries controlled seven of the eleven provinces of British India. There is scarcely a hint as to why the experience of those years caused Mohammedans by the hundreds of thousands to turn to Mr. Jinnah and his fantastic Pakistan program, though the subject was lucidly discussed in Sir Reginald Coupland's *The Indian Problem* and more recently in Penderell Moon's *Strangers in India.*

The dismal story of British proposals and Congress counterproposals for a solution of the crisis precipitated by the Second World War is, on the whole, competently presented. Here again, however, the author tends to ignore the rapid and dangerous growth of communal tension in his preoccupation with the theme of Indian Nationalism vs. British Imperialism. Incidentally the reader will seek in vain for an adequate description of the transformation of the Indian Army into a mass fighting force during the war or the probable effect of this expanded militarism upon the spread of revolutionary violence among the Indian population. As a result, one lays down the book still wondering about the fearful August riots in Calcutta and Bombay which followed the recent attempt of the Labor government in Great Britain to resolve the political deadlock in India before it was too late. Mr. Rosinger has made a courageous effort to unravel the main threads in the story. It is a pity that he was not given the space to do the job thoroughly.

BRUCE T. MCCULLY

THE COLLEGE OF WILLIAM AND MARY

The Revolt of the South and West. By A. G. MEZERIK. New York, Duell, Sloan and Pearce, 1946.—xiv, 290 pp. $3.00.

The theme of Southern and Western colonial subservience to the East is not a new one to American writers or readers. Mr. Mezerik takes up the pen where his predecessors dropped it, and he has added new chapters to the story. Essentially, his book is a bill of particulars against the management of American economy by finance capitalism and the rising state capitalism. The facts that the author stresses are

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not ones that persons with social vision would care to try to defend. It cannot be denied that a section which is confronted with discrimination in freight rates, tariffs and cartels, and with all the devices and ruses of intrenched monopolies, is bound to suffer in consequence. Mr. Mazerik also goes farther than his predecessors in suggestions that Southern Bourbons share the responsibility for the poverty of their section and that the color line makes the solution of Southern problems very difficult. He is especially to be congratulated for stating on pages 90-92 how, by severely restricted suffrage, men like Byrnes, Rankin, Bilbo, O'Daniel, and Cotton Ed Smith got into Congress under the false guise of democratic procedures. He might have added many more, beginning with Byrd and Smith of Virginia and Connally of Texas, but, like the reviewer, he probably felt that he was not called on to recite the full official roster of eight states.

The only trouble with the book is that it stops short of the full story. As long as one group of men produces wealth while another group collects it, it does not make very much difference whether the two groups live in the same state or in different states. The loss to the man whose pocket is picked is no less because the pickpocket lives in his own locality. This idea can definitely be drawn from Mr. Mezerik's book, but in the main it must be read between the lines or in widely scattered paragraphs divorced from the central theme of the story. For instance, chapter x, which deals with the Tennessee Valley Authority, is an undeclared commentary on the elevating influence of the removal of the profit motive from production. The way in which the people of the uplands of the South are lifting themselves by their own bootstraps, and in spite of the subservience to Eastern interests, throws much light on the way the rest of the South continues to impoverish itself through self-exploitation. Again, on pages 223-225, there is the example of Arvin, California, an area of great landlords and exploited farm workers, that fails to prosper, as compared with Dinuba, California, which flourishes because each farm worker is a farm owner. Even the evils of Eastern capitalists cannot prevent higher general welfare where there are no local pickpockets to add to the difficulties.

This is not a work of history, so most of the misunderstandings of historical data need not be mentioned. One wonders, though, at the assumption on page 47 that the South lost its birthright when it lost the Civil War. Also, the statement on page 82 that "Prior to the Civil War slavery was legal in every state" is entirely too loose. How

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many years prior? Four score years must be counted in some of the states of New England. Then too, it requires too great a strain on the imagination to assume, as on page 131, that when Mississippi built factories to be leased "to Eastern manufacturers for as little as a dollar a year" (and merely because the state had the constitutional right to operate these factories), it "had embarked on what was politically a clear case of socialism." It takes far more than government ownership or even government operation to stimulate socialism.

If the book had an index the reviewer would look back and see whether, in the discussion of exploitation in the West, any mention at all was made of the strangle hold of the mining interests on the state of Montana. So clear a case deserves a treatment long enough to catch the attention even of the reader who nods once in a while.

Fred A. Shannon

University of Illinois

Economic Freedom for the West. By Wendell Berge. Lincoln, University of Nebraska Press, 1946.—xiv, 168 pp. $2.50.

This book crusades against monopolistic practices everywhere, but special attention is given to their shackling influence on the economy of the West. For the development of this theme a wide range of subject matter is covered. The great spaces of the West are pictured as bounteously rich in mineral raw materials, energy resources, forest wealth, and agricultural potential and inhabited by an exuberant and resourceful population. But little of the potential suggested by the abundant natural wealth and high quality of population has been realized because the arresting hand of monopoly, reaching out from the financial and management centers of the East, has checked manufacturing, caused transportation services to be high in cost, and shaped an economy essentially extractive in nature. During the war large industries in aluminum, magnesium, chemicals and shipbuilding were developed with a vigor and speed which astonished older industrial areas, and rapid expansion in iron and steel took place. These advances are cited as indicators of the West's capabilities. But fear is expressed that post-war readjustments may lead to stagnation unless free competitive enterprise can operate. This is stressed as "the key which can unlock the combination of resources, people, markets and new industries for the West" (p. 6).

Examples of monopolistic practices are presented at various points throughout the book. Mr. Berge reviews the position of the West in

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the interterritorial freight-rate structure and emphasizes that "on both a class and a commodity [freight-rate] basis the agriculture and industry of the West have worked at a definite disadvantage" (p. 108). Average class rates have been 46 to 71 per cent higher than in the East. The activities of the Western Traffic Executive Committee are examined and from the reports of its Commissioner examples are cited of refusals to grant rate reductions requested by individual operating roads, and of policies which favored uniform caution and even delay in improvement of service such as air conditioning in dining and club cars. In steel the West has secured a "sizeable industry completely integrated from raw material to finished product" (p. 20). Capacity during the war increased from 1,000,000 to 3,500,000 tons per annum. It is estimated that current capacity may soon be exceeded by demand. In his discussion of "Western Steel" Mr. Berge is chiefly concerned with the comparative price at which steel is offered western consumers. Under the basing-point system the Pacific coast price of steel has been generally from 10 to 15 dollars more per ton than in eastern producing centers, not only for steel of eastern origin but also for steel from western mills. In order to secure a more favorable comparative price level the author urges as the first prerequisite independence of western steel from eastern ownership. The West mines 95 per cent by value of the nation's copper but for the most part copper products are not fabricated in the region. This is cited as further evidence of discrimination against the West, in this case by three corporations which controlled 85 per cent of national production in recent years. The aluminum ingot capacity of the West created during the war was 43 per cent of national capacity in 1945. Furthermore, cost data in government-owned plants suggest that the West has a reasonable equality of position and advantage in relative cost of ingot production. Mr. Berge believes that the establishment of competition in this industry "will not only make possible the survival and growth of a Western aluminum industry but will provide material for many new fabricating facilities . . . to produce aluminum products" (p. 35).

The major theme of the book is generally interwoven with statements that relate and extol the natural wealth of the fifteen western states (Oklahoma and Texas are excluded) and the "dash and drive" of western enterprise. The dominant influences of aridity and rough topography are nicely set aside by the sentence, "Even the vast wastes of desert and 'bad lands' which cover so much of the West seem to be nature's prodigious contrast to such prodigal gifts of wealth" (p. 3). The gifts referred to are those of farmland, forest,

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rivers, minerals, and energy resources. Certain hard facts of the West are acknowledged, but little or no subsequent reference is made to their bearing on the economy. The distance handicaps presented by the West are recognized in the sentence, "Space and distance have dominated the lives of people in the West" (p. 97), but there is no analysis of the significance of large empty spaces (traffic deserts) and mountain topography to transportation costs. In the chapter entitled "The Development of the Missouri Valley" appears the following significant sentence: "Everyone who has lived in the West knows that it is a hard country to fight" (p. 83). Evidently it is not equally hard everywhere for Mr. Berge maintains that the West is underpopulated and deplores the war-accelerated drain of people from the large spaces of the West into several limited areas such as the Los Angeles Basin, the San Francisco Bay Region, and the Denver area. Indeed, one of the startling facts of the West is the remarkable growth of population and of diversification in economy in limited parts since 1900. What forces have energized this growth, why was it limited to rather small areas, and how have these areas overcome the shackles of monopoly? Although Mr. Berge did not have space for a discussion of these exceptional areas which contain the bulk of western population, future studies of their growth may aid in understanding the problems of less developed regions.

H. F. Otte

Columbia University

The International Labour Movement. *By* John Price. Issued under the auspices of the Royal Institute of International Affairs. London, New York, Toronto, Oxford University Press, 1945.—xi, 273 pp. $4.50.

There is, perhaps, no more fascinating topic dealing with international relations than the study of the international labor movement. At the same time, its study is exceedingly difficult for an outsider who can have little hope of finding the bulletins, periodicals, pamphlets and newspaper clippings necessary to carry on such study. John Price has been affiliated with the Executive of the Labor and Socialist International for many years, has been research director of the Transport and General Workers' Union, was Mr. Bevin's assistant during his tenure as Minister of Labor, and is now director of the London Office of the ILO. For one who had so intimate an acquaintance with

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the reformist international labor movement, both political and industrial, he has written a very disappointing book. It is, in fact, no more than a reference book which informs us briefly about the history, charters, organizations and activities of the organizations, but fails even to pose the central problem: what influence the international labor movement actually exerted; whether the actual rôle the movements played was commensurate with the almost chiliastic claims under which the International was started.

The book fails, moreover, in its functions as a reference book. It does not deal with the Communist International—except in so far as its relations with the LSI and IFTU are concerned. Nor does it treat the heretic internationals (like Trotskyites, ISK and others). The Catholic international is not mentioned, so far as the reviewer can see. "The International Labour Movement" is thus unjustifiably identified with the industrial movement known as the Amsterdam International and the political movement known as the Second International. But even in regard to these, the information is inadequate. The author merely reports the total membership figures (pp. 44, 45 and 52, 53) and the strength of the affiliated national bodies, but does not examine the relative strength of the movement, country by country and industry by industry. Nor does the author reveal the total expenditure of the Mateotti (International Solidarity) Fund (pp. 90-93) for support of victims of fascism. While the author alleges that such support was substantial, no evidence has been adduced to show that such assistance was really commensurate with the substantial properties held by the affiliated national bodies. The inadequacy of the book, however, becomes fully apparent in its chapter vi, "Methods and Functions". The author plays down the possibility for the international labor movement "to produce a measure of concerted action on more direct lines." He does not even mention the trade-union boycott against the so-called White Terror in Hungary which was effected under the dynamic leadership of the late Edo Fimmen of the International Transport Workers' Federation. Yet a study of these and other instances (such as the attitude of the international labor movement toward intervention against the Soviet Union) would reveal more clearly than the study of its organizational structure what became of the International Labor Movement: merely a loose organization of national bodies representing primarily national but no longer international labor interests. In the case of Comintern and Profintern, other national and international interests were frequently subordinated to Soviet interests. This, a matter of historical record, gave the

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Comintern its operational strength and led ultimately to its dissolution. In the case of the Second International, the members represented national interests. The increasing "nationalization" of the Internationals is perhaps their most outstanding characteristic. There were, of course, degrees in the identification between trade unions and social democratic parties and their respective governments. But the trend has become so evident that it appears doubtful whether a new international (such as the WFTU) can become more than a committee of national executives hoping to agree on the least important policy matters because in the most important matters national considerations have precedence.

The author fails to answer the question—or rather he refuses to put it at all—by minimizing from the very beginning the possibility of the International becoming a genuine movement. That may perhaps be right. But the Internationals started with a radically different conception of their own rôles. They certainly did not look on themselves as mere auxiliary administrative agencies of their respective national states.

The history of the International Labor Movement is still to be written.

FRANZ L. NEUMANN
COLUMBIA UNIVERSITY

Brandeis: A Free Man's Life. By ALPHEUS THOMAS MASON. New York, The Viking Press, 1946.—xiii, 713 pp. $5.00.

"For Brandeis, men, not things, are the source and goal of progress" (p. 642), and opportunity and responsibility are the indispensable means of their development. This faith inspired the late associate justice of the United States Supreme Court throughout a long life, and made him an apostle of freedom in an industrial age in which many realities contrasted painfully with his high ideals of liberty. His insight, foresight and courage in combating evils remind one of the ancient prophets of his race. It was no accident that President Franklin D. Roosevelt and his inner circle called him "Isaiah" (p. 597).

After nearly fifteen years of preparation, Professor Mason has presented by far the fullest portrait of Brandeis that has yet appeared, or, perhaps, is likely to appear. The author was fortunate in having a wealth of material to draw upon. So much of it is correspondence with relatives and intimate friends that, by judicious selection, he allows Brandeis to reveal himself to the reader. This self-revelation

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is so complete that Mason, with sensitive appreciation of the fact, confines his comment to a minimum. If Brandeis is for him somewhat of a hero, his feeling is well guarded and seldom becomes apparent.

In spite of its considerable length, this biography is monographic. It is a full-length portrayal of character, but the activities described are rather carefully selected to serve the portrayal. There is little discussion of the great lawyer's relation to cases of purely private concern. Likewise little is said of the successes by which he amassed a fortune exceeding three million dollars. Such mention as is made of these matters emphasizes their bearing on the public career of the "People's Advocate". Self-prescribed rules ordered Brandeis' life. His wealth was not the fruit of acquisitiveness, but grew out of the necessity of financial independence to insure escape from embarrassing pressures and give the utmost freedom in public service. His conduct exhibited belief in the duty of plain living and high thinking, and in stewardship of time and talent as well as money.

A full and truthful account of Brandeis' career would be impossible without casting shadows over other men justly ranked as leaders. Among those who suffer from the factual narrative are President Taft (in his method of defending Ballinger) and President Lowell of Harvard, who headed a group protesting Brandeis' confirmation as Supreme Court justice. The story of the effort to prevent confirmation brings out the justice's ability to view the contest objectively and dispassionately. He felt no animosity toward the men who, either consciously or from ignorant prejudice, misrepresented his character and motives, but he was deeply concerned over the supineness of the many "good" men who stood by, silent witnesses of foul play. The experience intensified his conviction that above all else the need and purpose of democracy were the building of manhood (pp. 505-6).

At many points the Brandeis story throws light on the political, economic and social history of his era. Professor Mason skilfully supplies the historical background essential for understanding the biography. Limited by available space and perhaps even more by the effort to adapt his story for the readers whom he hoped to reach, he avoids technical details when discussing the justice's work as a member of the Supreme Court. He writes, not for the student of constitutional law or history, but for the general reader, seeking especially to impress him with Brandeis' efforts to establish his view of the law as a living thing, contributing, when rightly interpreted, to the advancement of true liberty for all. When decisions went against his judgment, he

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made his dissenting opinions the medium for educating his judicial brethren and the public in what he regarded as correct doctrine. This he did so cogently and successfully that it became almost a maxim that what he endorsed one day would be recognized as law the next.

This reviewer thinks that Professor Mason's production merits the highest praise. Yet he approves the comparison of Brandeis and Holmes with slight reservations. While properly contrasting the former's crusading zeal with Holmes's philosophic calm, Mason perhaps makes the latter's liberalism a shade too pale. Holmes's profound conviction that legal precedents should be subjected to the severe test of current validity, and his moving arguments for the view, should not be allowed to recede into the shadow to emphasize Brandeis on the living law. But Professor Mason has produced a great book, great because it portrays a great character, and great in its delineation. The author is not unmindful of defects and errors in the character and judgment of the man of whom he writes; indeed, in his resolve to be impartial he may even have exaggerated faults. But faults are not what make men great.

It is almost incredible that one man should have originated so many ideas, solutions, measures, and adopted and promoted successfully so many others which he did not himself originate, for the improvement of men and their mutual relations; still more incredible is it that his counsel should have come to be sought by so many industrial, civic and political leaders; and most incredible that, after suffering from misjudgment and persecution, he should have lived to see so much of his program embodied in law and practice.

Every young man and woman at the threshold of a career should read this book; every adult who believes that education should continue through life should read it; all but the hopelessly callous will find in it wisdom, encouragement and inspiration.

HOMER C. HOCKETT

SANTA BARBARA, CAL.

Plato's Theory of Man: An Introduction to the Realistic Philosophy of Culture. By JOHN WILD. Cambridge, Harvard University Press, 1946.—xi, 320 pp. $5.00.

At a time when Plato is currently accused of being a feudalist and a fascist—two very different things—by philosophers and political scientists who have never taken the trouble to study his political works both in their philosophical context and against Plato's historical background, the publication of a work like the one under review is a very

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pleasant surprise. Its author has a thorough knowledge of the Greek language which enables him to interpret lucidly and correctly those Platonic terms which cannot be translated into English. He has so excellent a knowledge of ancient history that he does not need to refer to ancient political institutions in order to separate those features of Plato's political theory which are conditioned by the period in which he lived from those fundamental ideas which are applicable to all times. He is thoroughly acquainted with all of Plato's works so that he can elucidate a point by reference to widely separated passages. Finally, he is interested in Plato because he believes that what Plato has to say is of direct and practical importance to us.

Plato's political theory, especially in the form in which it is presented in the *Republic*, occupies a very important position in the work under review. But, unlike most other scholars who have discussed Plato's political theory in recent times, the author is fully aware that the analysis of "man" or of the human soul in the *Republic* is not undertaken merely in order to supply an analogy to the analysis of the state, but that Plato's political theory is part of and embedded in his theory of man and of man's position in the universe and cannot be understood without the latter.

In fact, Plato himself makes it very clear that his ideal state cannot be realized in practice unless the leaders of the state and, as far as possible, all citizens are cured of the fundamental errors and wrong tendencies to which man so easily falls prey. It is this latter part of Plato's philosophy which the author has especially undertaken to elucidate. He tries to show that the "anatropisms", "inversions" of the true order, or aberrations which Plato tried to combat are still prevalent at the present time and that we cannot hope for a fundamental betterment in social and political life unless and until these aberrations are recognized for what they are. The chapters in which the author deals with these "anatropisms" in the life of the individual, in the arts and sciences, in theory of knowledge, and in general philosophy are based on a penetrating analysis of Plato's late dialogues, notably the *Phaedrus*, the last books of the *Republic*, the *Parmenides*, the *Theaetetus* and the *Sophistes;* and, though the author follows Plato very closely, the application of Plato's thought to our contemporary problems becomes very clear.

Yet while it is undoubtedly the author's outstanding merit that he has shown in a lucid and penetrating manner that Plato's political philosophy is dependent on his theory of man, and in what way, it is precisely in this connection that it seems necessary to criticize the

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author in regard to an essential point. He rightly contends that there is no fundamental opposition between Plato and Aristotle in the sense that whoever accepts Aristotle's philosophy has to renounce Plato, or vice versa. While there are some points in regard to which Plato and Aristotle do disagree, it is quite true that, on the whole, their philosophies are complementary rather than contradictory to each other. Yet it is hardly sufficient so say, as the author does, that Plato's philosophy is always practical, aiming at correct human action, while Aristotle's philosophy is theoretical, aiming merely at correct insight. There is a much more fundamental difference between the two philosophies, a difference that extends to the field of both practical and purely theoretical philosophy. While Aristotle is always aiming at a truth that can be set down definitely, fully, and for all time, Plato is always trying to approach a truth which in its ultimate form is beyond expression in language.

The author has "Aristotelized" Plato by setting forth lucidly and systematically that part of Plato's thought which can be set down fully and definitely. This, since there is such a part of Plato's philosophy, is a legitimate undertaking, though it leaves out something which for Plato himself is essential. But in connection with Plato's political philosophy the method has further consequences. As the author himself points out (p. 116), adoption of the external form or institutions of Plato's ideal state, if the leaders and citizens of this state are not what, according to Plato, they ought to be, can easily lead to the most deadly totalitarian régime. But the leaders and citizens of an actually existing state will never come up to the ideal. This is the reason why Plato, though wrongly, yet with some semblance of truth, has again and again been accused of being the father of fascism. As Plato's later political writings show, he was perfectly aware that his ideal state could not be realized in practice, and that no attempt at such realization should be made, except in the measure in which the necessary prerequisites could also be created; and in his later writings he suggested various ways in which the ideal could safely be approached under less than ideal conditions. But Plato is so much concerned with the improvement of man that he always reckons with citizens and political leaders above the ordinary. He nowhere discusses the question of what might be done to secure at least tolerable political conditions in a state where most people and most politicians are as depraved as they usually are. This question was studied by Aristotle in the last phase of his political studies and by a good many other political thinkers in antiquity and in later times.

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This latter approach is not without its dangers, since it may easily result in too great a confidence in mere institutional devices, though history shows that the best institutions and constitutions will not save a country if the citizens have become completely blinded by political passions or short-range economic interests. Since this danger is very great at the present time, the author's return to the teachings of Plato, who placed the enlightenment and the improvement of the citizens' first, and political institutions second, is most timely. But perhaps he should have impressed more strongly on his readers the fact that the only way in which we can retain the possibility of such gradual improvement against threatening totalitarian forces is by clinging fast to those institutional devices, the theory of which was elaborated, not by Plato, but by Plato's successors.

KURT VON FRITZ

COLUMBIA UNIVERSITY

The Danzig Dilemma: A Study in Peacemaking by Compromise. By JOHN BROWN MASON. Stanford University, Stanford University Press; London, Oxford University Press, 1946.—xviii, 377 pp. $4.00.

The series "Stanford Books in World Politics", under the editorship of Graham H. Stuart, contains by now about a score of important volumes. Dr. Mason's contribution is an excellent addition to the series. It is also appropriate in that the story of Danzig under the new dispensation fashioned in 1919-1920 has definitely come to a close. The events of the period can therefore be recorded with something like finality, and Dr. Brown has done the recording in these pages with skill and impressive mastery of detail. The result of his labors is a volume that should appeal not only to the professional student of international affairs but to the general reader as well.

The "Danzig Dilemma" grew out of the compromise which the Big Four formulated when faced with the question of how to secure Poland's free access to the Baltic Sea without incorporating this overwhelmingly German city into Poland. The solution to the problem was found in the creation of a Free City, and while this arrangement was by no means satisfactory to the Danzigers, to the Poles, or to the Germans, it was possibly the best that could be achieved at the time. Placed under the protection of the League of Nations, the Free City existed for twenty troublesome years until the fateful day in September 1939, when Adolf Hitler entered the ancient city and by his visit

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symbolized the scrapping of the work of the peacemakers of 1919. Some three weeks earlier, the Nazi government of Danzig had declared its reunion with Germany; about two weeks later the last of Polish resistance to German conquest had disappeared. The Free City experiment had come to an end.

When the Free City was formally established under the provisions of the Treaty of Versailles in 1920, the arrangement was, of course, a part of the general task of remaking large parts of the political map of Europe undertaken by the victorious Allies. Its larger background was furnished by some thirty generations of history during which Slav and Teuton had contended in this area of eastern Europe. This conflict of a thousand years is summarized by the author in a single chapter—and a well-written chapter it is. Fourteen chapters are devoted to administrative problems and conflicts that punctuated the history of the Free City, and one presents a summary and conclusions. Danzig at the Peace Conference; its government, politics and finance; the rôle of the League of Nations; the conduct of the foreign relations of the Free City; the various aspects of economic problems; military, naval and minority rights of the Poles; and the status of Danzig under international law are discussed in detail. Over fourteen pages of bibliography indicate the extent of the sources used. Not the least valuable part of the volume consists of a collection of fourteen appendices. It contains all the pertinent documentary materials relating to the actual founding of Danzig as a Free City, and includes a useful compilation of miscellaneous information, such as charts showing the relative position of the political parties and the political changes in the composition of the Danzig Assembly and the Senate.

In these days when peacemaking is again on the agenda of the Great Powers, and when large areas of the world will be affected by the consequences of the coöperative effort to recapture genuine peace by means of arrangements which, it is hoped, will be wise, reasonable and far-sighted enough to remove the causes of renewed conflict in the near future, the story of Danzig inevitably raises the question: what can be learned from the Danzig Free City experiment? The question admits of no ready answer, and Dr. Mason does not attempt to reply to it in full. In fact, his conclusion (p. 307) consists of but two brief paragraphs. The first suggests that if there had been no League of Nations apparatus for settling Danzig-Polish disputes, a clash of arms would have come before 1939, and that the establishment of the Free City was preferable to leaving Danzig with Germany or handing it over to

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Poland. The second is to the effect that the record of Danzig, between 1920 and 1939, is useful because there are other areas in the world within which nationalities and "rights" clash. "The experience of Danzig needs to be studied, pondered and recalled when the time comes to deal with these problems in a strong and effective way. If the lessons of Danzig . . . are heeded, the Free City will not have been in vain." True, no doubt. But there appears to be nothing to indicate, as the painful, slow return to peace carries us away from the tragedy of 1939-1945, that this book, or others like it, will have the utilitarian value at which the quotation hints.

What Dr. Mason's study clearly demonstrates is, among other things, that the status and fate of the Free City depended on the strength and status of the international organization—the League of Nations—which created it. Whether the new international order now in the making will succeed where the League of Nations failed, and whether its architects will be able to appropriate the lessons of Dr. Mason's survey, remain to be seen. Meanwhile the value of the author's contribution will rest, in all likelihood, upon the fact that the record of Danzig between the two World Wars, ably and clearly delineated in this book, has an historical validity and importance quite independent of the use to which it may be put by present-day peacemakers.

JOHN H. WUORINEN

Boundary-Making: A Handbook for Statesmen, Treaty Editors, and Boundary Commissioners. By STEPHEN B. JONES. Foreword by S. Whittemore Boggs. Washington, Carnegie Endowment for International Peace, Division of International Law, 1945. Distributed in the United States by the Columbia University Press, New York.—xv, 268 pp. $3.00.

Occasionally a book on a phase of political geography appears that is so sound that one has no hesitation in recommending it to discriminating colleagues in all fields. Such a book is Stephen Jones's *Boundary-Making*. The author has brought together numerous contributions of previous scholars and government commissions, and critically screened them to produce a book which represents a valuable accumulation of knowledge rather than a new start. The book was prepared by Professor Jones while serving on the staff of the Office of the Geographer of the Department of State, and has profited from the coöperation and assistance provided by the Department.

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As the book's title indicates, the work is intended as a handbook. It is divided into three parts: Part I, The General Situation; Part II, Delimitation; and Part III, Demarcation. The first part and several sections of Part II, however, go beyond conventional handbook treatment and are probably of greatest general interest. As Mr. Boggs of the Department of State says in his Foreword, " . . . there is probably no better brief introduction, in any language, to the whole field of boundaries and boundary-making than Part I . . . ."

In Part I, various aspects of boundaries and regions are discussed, including schemes of classifying boundaries. The unreal nature of the too-familiar " natural " and " artificial " distinctions is brought out, as well as the not strictly objective nature of other terms such as " scientific ", " strategic " and " organic ". Objective classifications are discussed, such as phenomenological (mountain, river, etc.) and sequential (antecedent, superimposed, etc.—after Hartshorne). Other topics cover boundary functions, frictions, boundaries and strategy (indicating briefly how modern war with air power affects traditional concepts of defensive boundaries), boundaries as trade barriers, buffer states, and the third dimension in boundaries (underground and air rights). A section on regionalism emphasizes the lack of an over-all type of region (homogeneous *vs.* functional or organizational types of regions, etc.) and is followed by an important summary section on circulation and boundaries (" If man were not so fond of circulating," boundary problems would be simpler). Remaining sections of Part I treat language, nationality, mineral resources, water resources, fishing, native peoples and resettlement—all in relation to boundaries.

Important sections of the remaining two parts deal with field methods, described in detail as aids in delimiting and demarcating boundaries. Several chapters describe various types of boundaries (and the principles of delimiting boundaries in water, over mountains, etc.), boundary surveys, and marking and maintenance of boundaries.

Throughout, Jones uses an objective approach and recognizes that no boundary is perfect, that proper boundaries are not the solution for international complications, that areas of states are more important than boundaries, and that international coöperation cannot be dispensed with. He nevertheless indicates that governments are taking on more activities and that boundaries represent sharp changes in the areal spread of modes of life on the earth. Even if " pathological nationalism " decreases, it seems unlikely that government activities will decrease, as witness even the states of this country. Consequently boundaries will continue, and probably increase, their influence on the

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lives of people and the development of the landscape. Proper placing of new boundaries, although only a detail of peace settlements, therefore should be done with the greatest of care.

Dr. Jones, by his own work, and by carefully worked syntheses of earlier contributions, has provided us with a scholarly, organized presentation replete with stimulating and thoughtful concepts. If most of his discussion is concerned with pointing out the well-known flaws in some earlier, less thoughtful concepts, he has nevertheless left a body of organized material useful to anyone needing to study a boundary anywhere. The book is an example of an objective work in political geography, in contrast to the unsupported mouthings of geopolitics, and demonstrates again that boundary geography has come of age.

EDWARD L. ULLMAN

HARVARD UNIVERSITY

Sun Yat-sen: A Portrait. By STEPHEN CHEN and ROBERT PAYNE. New York, The John Day Company, 1946.—vii, 242 pp. $3.00.

Although much has been written both in Chinese and in Western languages about Sun Yat-sen, no definitive study of his life and influence has yet appeared. During his lifetime Sun was the leader of the Chinese revolution. But after his death he was virtually canonized by the Kuomintang, which he had founded, and his name and prestige were used to bolster its political power and influence. A cloak of sanctity was thrown about his writings, with the result that questioning of any part of them or of the flood of official commentaries and eulogies has been discouraged. Even the Chinese Communists revere Sun's memory and claim to be carrying out his principles. In fact all Chinese political groups claim him for their own and quote his speeches and writings in support of their aims.

Consequently, although an enormous literature has been published about Sun and his doctrines—including several bulky collections of his writings—there is in Chinese no full and objective biography of the man and very little critical evaluation of his ideas and influence. While Western scholars have naturally felt freer than Chinese to examine critically the life and works of Sun Yat-sen, comparatively few are able to use materials written in the Chinese language; and even those who can read Chinese have discovered that there are great gaps in the available sources—some of them corresponding to particularly important periods of Sun's life.

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Sun Yat-sen: A Portrait, by Stephen Chen and Robert Payne, adds disappointingly little to our knowledge of the father of the Chinese Republic; and, taken by itself as a portrait of the man, it presents a shadowy and fragmentary picture indeed. The authors state that unpublished material was made available to them by members of the Kuomintang. No doubt many of the episodes and quotations scattered through the book are derived from such sources, including some which appear here for the first time in English. Of particular interest are certain passages apparently translated directly from the writings of Sun and his revolutionary associates. Unfortunately the absence of source citations and of evidence of critical evaluation, and a generous sprinkling of factual errors throughout the book, make it unsafe to give full credence to anything that cannot be checked elsewhere.

The best available biography is Lyon Sharman's *Sun Yat-sen: His Life and Its Meaning* (New York, John Day, 1934). While it is by no means complete, as was clearly recognized by the author, and is marred by occasional evidences of prejudice against her subject, it is a thoroughly scholarly work and remains the most useful and informative study of Sun in English. The best work on Sun's political ideas is P.M.A. Linebarger's *The Political Doctrines of Sun Yat-sen* (Baltimore, Johns Hopkins, 1937). Its greatest shortcoming is that very little attention is paid to Sun's writings other than the *San min chu-i*. Another useful book is Leonard S. Hsü's *Sun Yat-sen: His Political and Social Ideals* (Los Angeles, University of Southern California, 1933), which contains the fullest collection of Sun's writings available in English translation. In time, perhaps, the Sun family papers and unpublished Kuomintang materials will be made available to scholars. If by that time his ideas and influence can be viewed in perspective, a definitive biography of Sun Yat-sen will be possible.

KNIGHT BIGGERSTAFF

CORNELL UNIVERSITY

Imperial Commonwealth. By LORD ELTON. Foreword by Allan Nevins. New York, Reynal & Hitchcock, 1946.—x, 544 pp. $5.00.

Although many publicists have buried the British Empire and uttered a few perfunctory remarks over the grave, several spokesmen have insisted that the reports of its demise were greatly exaggerated. Lord Elton, Oxford historian and Labor politician, belongs to this group. His survey of imperial development from 1485 to 1939 is intended not only as history but also as evidence of continuing vital-

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ity. "Is not the British Empire a living example of what in the new age the world will need most—the peaceful and enduring association of free nations within a world community?"

Written primarily for the general American reader, the book nonetheless sticks close to a recital of facts in a highly conventional textbook manner. As such it is not likely to have the wide reading and the educational value that Professor Allan Nevins in his Foreword optimistically anticipates. That there was a place for an historical essay that would catch in brief compass and appropriate style the main achievements, tendencies and characteristics of British imperialism, good and bad, no one can deny. That there was also need for a sound textbook which would successfully relate the development of the empire as a unit is equally apparent. This unfortunately is neither. Composed in a pleasing but by no means distinguished style, it is an informal impression of British expansion—neither critical, incisive nor comprehensive. Conspiring further against any prospect of wide popularity is the mechanical make-up; its narrow margins and close printing make it most tiring to read.

The bulk of the space is given over to a political and rather anecdotal account of British imperial growth, completely English in viewpoint. Lord Elton has depended on good books for much of his information; he should have read more. Often superficial and oversimplified, his narrative omits vast sectors of the expansion process and in consequence often displays a most bizarre lack of proportion. Captain John Smith gets four pages, and half a dozen colonies are founded in a sentence. Few will deny the importance of men in Britain's imperial history, but after all an adventurer is but one shooting star in the thickly populated heavens. Moreover, there are many imperial institutions, ideas and policies that deserve at least as many lines as speculation whether General Wolfe did recite Gray's *Elegy* on his way to capture Quebec. Finally, despite his avowed purpose of writing for Americans, Lord Elton has obviously forgotten, in his selection of detail and mode of exposition alike, that what is patter for an Oxford undergraduate is merely a puzzle to the general reader on this side.

Perhaps, so far as it goes, the book is well done. The errors of fact and judgment are no more than mildly irritating. The allotment of space to various eras will excite no quarrel. The author's humanity is admirable. Such qualities, however, will attract no extensive body of general readers and serve only to irritate the specialist.

CHARLES F. MULLETT

UNIVERSITY OF MISSOURI

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The Development of the Legislative Council, 1606-1945. By Martin Wight. London, Faber & Faber, Ltd., 1946.—187 pp. 10*s.* 6*d.*

This is an introductory volume in a series of "Studies in Colonial Legislatures", edited by Margery Perham, an outstanding authority on various subjects related to the government of the dependent British Colonial Empire and author of an important work on native administration in Nigeria. In her general introduction to this series Miss Perham explains why it seemed desirable at this time to make a special study of colonial government. She remarks that "the imperial government has in the last few years turned the promise implicit in British forms and traditions into explicit statements that self-government is the goal for the coloured dependencies" and adds that it is therefore Britain's task "to think out very clearly what is meant by this promise and how it can be fulfilled." She explains why the colonial legislative council has been chosen for particular investigation. Succeeding volumes are to deal in detail with the legislative councils of the Gold Coast, Northern Rhodesia, Nigeria, and Kenya. It is safe to predict that the series will form an important contribution to the rather scanty literature on the government and constitutional history of the British dependencies, and it may serve to facilitate the labors of imperial statesmanship in the near future.

In this first volume Mr. Wight pays his respects to the colonial council in the British Empire before the American Revolution, and he occasionally refers to the colonies that have evolved into the Dominions of the British Commonwealth of Nations, but his primary concern is with the dependencies included in the present Colonial Empire. He follows Helen Taft Manning in her *British Colonial Government after the American Revolution* in emphasizing the seminal character of the Quebec Act, in connection with which, incidentally, the term *legislative council* seems to have been first used. The Quebec Act, he believes, is "as important in the history of the non-self-governing empire as the Durham Report in the history of the Dominions: it was the greatest departure from tradition ever made, and the chief model upon which the Crown colony system was constructed a generation later." Another document, issued a century and a half later, which the author compares to the Durham Report in significance, is the Report of the Donoughmore Commission relating to the constitution of Ceylon, published in 1928, which declared that it should be the aim of British policy "not slavishly to follow the forms and practice of the

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British model which was not designed to meet conditions similar to those obtaining in Ceylon, but to devise a scheme in consonance with local circumstances, a scheme which will be concerned not to reflect an alien philosophy but to give free play to the peculiar genius of the Ceylonese themselves . . . ."

Mr. Wight is interested in tracing general developments and tendencies. He describes, for example, the transformation of advisory councils into legislative councils, the decline of the old and the rise of a new representative system, the development of "semi-representative government" and communal representation, of "semi-responsible government" and diarchy, of legislation by certification as a reserve power of governors, of executive councils as distinct from legislative councils and of unofficial representation thereon. History suggests, he says, that the different types of colonial constitution represent stages and not stopping places, and he speaks of the "incessant constitutional restlessness of the dependencies, most of which have been pressing forward, sometimes two or three times in a generation, towards new political forms."

The author tells us little or nothing about the general cultural conditions or the particular circumstances in the several dependencies which have underlain constitutional changes, but within the domain of government and constitutional history he does not confine himself narrowly to the legislative council. All serious students of constitutional developments within the British Colonial Empire ought to acquaint themselves with his book.

ROBERT LIVINGSTON SCHUYLER

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BOOK NOTES

One of the most penetrating observers of world affairs over the last twenty years, Mr. Louis Fischer, has brought together in his new volume, *The Great Challenge* (New York, Duell, Sloan and Pearce, 1946; 346 pp. $4.00), some of his thoughts on the political trends of the war period and its aftermath. While not as revealing of Soviet history as his *Men and Politics*, this new study of the world confusion will have many readers. The chapters on England in wartime, and on India and Palestine, hardly interrupt the main thread of Mr. Fischer's worries, which concern the Soviet Union and its rôle. Unlike many improvised experts on the Soviet Union, Mr. Fischer lived its life intimately for many years and his *Soviets in World Affairs* remains a remarkable achievement in the writing of contemporary history. Basically, Mr. Fischer believes that somewhere along the road of its evolution the Soviet régime turned away from its original inspiration into the path of power politics. He does not identify the turning point exactly. Perhaps this is because it is difficult to describe the motive forces of a régime with the same adjectives which apply to the motivations of an individual. The author's analysis leads him to the conclusion that Soviet expansionism can be held in check only by equally strong counter-resistance and that where it is met by no counterforce it will press on. To him, the challenge is one which is posed to the democratic countries, to make their system produce both abundance and freedom for their own peoples and above all to take a constructive part in making the democratic system attractive to the colonial peoples which are striving to take control of their own destinies. It is not clear, however, how the democracies can give their full effort in these constructive tasks if they are expected at the same time to maintain large and ready military forces to counter any one of multiple dangers of expansion, overt or camouflaged. In this respect, the challenge which Mr. Fischer has stated with much cogency will seem to many more in the nature of a quandary.—PHILIP E. MOSELY.

The Congress of Vienna by Harold Nicolson (New York, Harcourt, Brace and Company, 1946; ix, 312 pp. $4.00) is a timely narrative of post-Napoleonic peacemaking, beginning with the year 1812 and ending with the return of Louis XVIII to Versailles and the banish-

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ment of Napoleon to St. Helena. Readers will find it difficult not to attempt comparisons between 1946 and 1814-15. Nicolson warns that history does not repeat itself and though it is possible to make many superficial analogies the fact is that conditions, ideologies, and above all the men are changed. The value of the book to present-day readers is that it provides an historical background for the efforts of the peacemakers of 1946 and the years to come. The author deals largely with the efforts of Viscount Castlereagh to bring about a balance of power in Europe. It was the intention of the four Powers, Austria, Great Britain, Prussia and Russia, to keep matters in their own hands, for they were responsible for banishing Napoleon and felt that their political power should be proportionate. They had allied themselves to assure their national survival, but a coalition so formed proved difficult to maintain once the danger had been removed. Other weaknesses also became evident, such as the reluctance of the Powers to clarify their aims and their capitalization on their contributions to success. Castlereagh until his death favored the congress system as a means of settling disputes, though he had many objections to it as practiced. Following the Congress of Vienna were the meetings of the four Powers at Aix-la-Chapelle. When the question of the future relation of France to the Alliance was brought up, opinions differed sharply as to the exact nature of the Alliance. This disparity of thought eventually caused its breakup and it soon became general knowledge that the three men, Castlereagh, Metternich and Alexander, each interpreted the Treaties in a different way. Castlereagh was opposed to the idea of a collective guarantee of monarchical supremacy on the continent, Alexander favored the other extreme and Metternich attempted to tread a narrow path between the two. The final collapse of the system was brought about by the persistent desire of Russia to intervene in the internal affairs of other states and by the suicide of Castlereagh. The plenipotentiaries were forced to realize that there was " a difference of outlook and method between the autocratic or Eastern Powers, and the democratic or Western Powers." A break would have come sooner had not Castlereagh and Metternich been united to keep Russia from intervening in the affairs of Turkey as an individual Power, and without the sanction of the Alliance. Nicolson defends Castlereagh's attempts to create a balance of power in Europe but criticizes him for his desire to " enforce static principles upon a dynamic world." Castlereagh was severely censured by his contemporaries and especially by his successor, Canning, but the author contends that a wise path was followed by the statesmen of the Big

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Three of the nineteenth century, for they succeeded in bringing a peace to Europe, such as it was, for a hundred years.—GENEVIEVE PETERSON, Yonkers, New York.

Since the aim of the economic process is the satisfaction of human wants, and since the potentialities in this connection depend upon total pecuniary income and upon its distribution, empirical studies in the field of income distribution are necessarily of significance. In his *Changes in Income Distribution during the Great Depression* (New York, National Bureau of Economic Research, 1946; xviii, 176 pp. $2.50) Mr. Horst Mendershausen, of Bennington College, presents the results of such a study, albeit in a restricted field. Unfortunately, as Mr. Jacob Marschak notes in his admirable Preface to the study, "Both the materials and the tools of economic research are still too crude to justify definitive conclusions. Any empirical economic study can be judged at best as a trial experiment, a promise." Mr. Mendershausen uses as his basic data the "Financial Survey in Urban Housing", covering 33 cities and conducted under the direction of E. L. Wickens as a Civil Works Administration project. He applies to these data the somewhat esoteric methodology of modern quantitative economic research and arrives at a number of conclusions concerning the impact of the 1929-33 depression on income distribution in the selected cities. He shows not only that the Great Depression affected differently the readjustment of total income as between the different cities but, also, that it affected differently the relative dispersion of incomes within them. The study itself has to be consulted to get an idea of the scope and variety of the changes that ensued and the possible explanations of them, but, as Mr. Marschak himself puts it in his Preface, the study as a whole, while a "trial experiment", is a "promising one".—E. E. AGGER, Rutgers University.

During the three years since William Allen White's death there have been many indications that the small-town editor who captured the imagination of a nation will continue to hold it for many years to come. This collection of his letters—*Selected Letters of William Allen White, 1899-1943*, edited with an Introduction by Walter Johnson (New York, Henry Holt and Company, 1947; viii, 460 pp. $3.75)—demonstrates anew the charm of their writer, his position in the intellectual and political life of his times, and his importance as a symbol. From 1899 until his death, Mr. White saved carbon copies of his letters. It is from these that Mr. Johnson has made his selection. In many respects Mr. White's life was paradoxical. The proponent of

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provincialism, he was also a world traveler. He was equally at home, and respected, while speaking to a group of farmers in a Kansas schoolhouse, or as a member of a literary circle in New York City. His first fame came when, as a young man, he backed McKinley against Bryan; as an old man he could support enthusiastically most of the measures of the New Deal. His heart and his attention were centered in Kansas, yet he could see the shadow of the Hitler menace ahead of most of his countrymen. His interests and activities were varied. Readers of this volume will find letters which bear on nearly all aspects of his work and thought. Here, for example, is the man who loved the game of politics above all others, who fought through most of his life a losing battle against the conservative interests within his own party, and yet with two exceptions hewed closely to the party line. The reader glimpses the prolific author, the editor whose columns delighted Presidents from Roosevelt to Roosevelt, and the literary critic. Included in this selection are letters written during the First World War; observations on Wilson (whom he admired often but understood seldom); and statements bearing on his activity at the head of the White Committee. These letters reveal a deep faith in democracy and show that his understanding of it broadened with the years. One aspect of his belief in democracy was his faith in education; "If I did not have faith in the public schools," he once wrote, "I should not believe in the extension of the rights of self-government to the masses." It was his mastery of words that won him his first renown, and his ability to "make words dance", as he used to advise young writers, that enabled him to hold the attention of his large audience. This book is abundantly filled with evidences of his mastery of the apt and pungent phrase, such as his description of certain conservatives within his own party as "a lot of old highbinder standpatters who haven't had an idea since the fall of Babylon and who, while they agree with the general justice of the fall of Babylon, think it was hasty and ill considered." No single book can offer a complete explanation of William Allen White's hold on the affection and respect of his contemporaries, but this one will go far toward providing such understanding. It should furnish pleasure and satisfaction to any reader. It will always be an important source for understanding the life and thought of these years—one that no historian can ignore with impunity.—RALPH ADAMS BROWN, New York City.

Few scholarly works are readable, brief, and at the same time entirely comprehensive. Such a book is *New Jersey Progressivism before Wilson,* by Ransom E. Noble, Jr. (Princton Studies in History, No.

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2, Princeton, Princeton University Press, 1946; viii, 175 pp. $2.00). Mr. Noble has written the history of the progressive movement in New Jersey from 1901 to the advent of Woodrow Wilson on the political stage in 1910. In many respects it is a pioneer work that will be of service to the entire fraternity of social scientists; certainly it supplants the few fragmentary accounts of the movement in New Jersey that have already been written. At the turn of the century New Jersey offered the best example of the "System" in operation anywhere in the United States. It was a feudal domain of monopolistic capitalism already grown large, in which bankers, railroad officials, traction and utilities interests, and industrialists completely controlled the two parties and used them to protect and further their peculiar interests. Nor was there anything deceptive or underhanded about this alliance of monopolistic wealth and politics; on the contrary, the dominant political leaders during this period—the senators and congressmen, the governors, attorney-generals, and legislators—were usually the direct representatives of privilege. It was this system that a little band of North Jersey reformers, most of whom, incidentally, were disciples of Henry George, attacked. The leaders in the revolt against monopolistic economic and political privilege—George L. Record, Mark M. Fagan, Everett Colby, James G. Blauvelt and Frank Sommer, to mention a few of them—were all Republicans who had what was for their state a new idea: that the railroads should pay taxes equal to the taxes paid on other property; that the utilities should be brought under state control and regulation; that the people should have an opportunity to control the machinery of their parties and to nominate their candidates; and that child labor should be abolished and an effective workmen's compensation law enacted. In short, the New Idea men sought to transform the state and municipal governments from the tools of vested wealth that they were in 1901 into dynamic agencies of economic and political welfare. Mr. Noble has recounted the story of the uphill struggle of the reformers; he has analyzed the sizable gains they had made by 1910, and sizable they were in the face of the odds. By the time Wilson was inaugurated Governor of New Jersey the New Idea leaders had obtained the enactment of laws that equalized the tax structure of the state, secured the equitable assessment of railroad and corporation property, eliminated child labor, established the direct primary system for all elective officers except governor and United States senator, and established a thoroughgoing civil service system. It remained, therefore, for the Wilson administration only to complete the reform structure by ob-

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taining a comprehensive primary law and corrupt-practices act, a public utilities commission with power to establish rates, and a workmen's compensation law. Mr. Noble's thesis that the reform movement in New Jersey was largely a Republican movement before 1910, and that without the groundwork of the New Idea men in agitating for reform and educating the electorate Wilson could never have achieved such notable accomplishments, not only is absolutely correct, but also constitutes an important contribution to our knowledge about the progressive movement in general. In fact, the chief criticism that might be made of *New Jersey Progressivism* is that the author did not go far enough in giving credit to the New Idea men for the Wilsonian reforms. Research in the Wilson period, 1910-1913, would have convinced him that it was these Republican insurgents who elected Wilson in 1910, forced him to come out against James Smith, Jr. in the great senatorial battle of 1910-1911, and then constructed almost the entire Wilson reform program.—ARTHUR S. LINK, Princeton University.

It sometimes happens that those biographies of our contemporaries which their authors call "informal" and scholars call "journalistic" have considerable current value. One thinks, for example, of the useful account of Franklin D. Roosevelt's early career written over a dozen years ago by Ernest Lindley. Unfortunately, Frank Graham's *Al Smith, American: An Informal Biography* (New York, G. P. Putnam's Sons, 1945; ix, 242 pp. $2.50) is not such a book. It is primarily anecdotal in procedure. The author, who has written biographies of Lou Gehrig and John McGraw and histories of the Brooklyn Dodgers and the New York Yankees, has evidently made a considerable effort to collect pointed anecdotes from Smith's family and friends. These are connected by a scant narrative which touches gingerly on the various phases of Smith's career. The chapter on Smith's nomination for the presidency is two pages long, that on the campaign of 1928 ten. The Liberty League is not mentioned. Readers with a serious interest in the history of American politics usually wonder why such books are written. Considered as a collection of Smith anecdotes, however, this book is entertaining. There is, for instance, the story of Winston Churchill's visit to Tammany Hall in Smith's company, on which occasion the English statesman expressed his disappointment that no one asked questions of the speaker, and was suavely told by the American statesman, "It is not considered good form." There is also a good collection of illustrations from the files of the Museum of the City of New York.—RICHARD HOFSTADTER, Columbia University.

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Those who thirst after knowledge of recent French governmental institutional changes will be intrigued by the title of this book, *La Fédération Française* by Jean de la Roche and Jean Gottmann (Montreal, Éditions de l'Arbre, 1945; 638 pp.). They will, however, be in for a disappointment, for the volume is in fact a treatise on French colonies—a kind of combination almanac, geography, economic analysis, and panegyric of *France d'outre-mer*. No one theme is sustained to a point where the reader feels a sense of understanding the major problems of French colonialism. Here and there bits of information give the book a certain reference value, but clearly this was not the purpose of the volume.—SHEPARD B. CLOUGH.

The following volumes in COLUMBIA STUDIES IN HISTORY, ECONOMICS, AND PUBLIC LAW have recently been published, or are now in press.

524—*Ruggles of New York.*
By D. G. Brinton Thompson. Price, $2.75

525—*Credit Union Development in Wisconsin.*
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526—*The Development of the County Government in Virginia, 1607-1904.*
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By Kenneth C. MacKay. *In press.*

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532—*Judicial Review in Virginia, 1776-1928.*
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By Nelly N. Schargo. *In press.*

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By Melvin Warren Reder. *In press.*

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